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**Division I. Council, Offices, Officers and  
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**Chapter 2.04  
METROPOLITAN COUNCIL**

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**Article I. Organization and Operations**

- 2.04.010 President—Office established—  
Compensation.**

A. The position of president of the metropolitan council is hereby established. The holder of such position is vested with all rights given the vice-mayor by the Metropolitan Charter under Section 3.03, with the exception that the president of the metropolitan council

shall be entitled to vote on all ordinances, resolutions and other issues before the metropolitan council.

B. The compensation for the office of presiding officer of the metropolitan council shall be the same as that established under Section 5.05 of the Metropolitan Charter for the position of vice-mayor.

C. When a vacancy occurs in the position of vice-mayor, then the metropolitan council shall, from one of its members, elect a presiding officer whose duties and salary shall be as set out in this section. (Prior code 2-1-1)

**2.04.020 Committee meetings.**

A. Each committee of the metropolitan council shall hold its regular and special meetings in a suitable place in one of the buildings of the metropolitan government or may, if more convenient, hold such meetings in a building of some other governmental entity or agency, be it either state or federal. All meetings of committees of the metropolitan council shall be open to the public; provided, that when a committee of the council is investigating misconduct on the part of individual members of the metropolitan council, the testimony presented to the committee shall be open to the public, but the committee, when deliberating on the evidence as presented to the committee, shall be allowed to meet in executive session without members of the public present in order to determine the committee's recommendation to be made to the entire council.

B. Any report of the committee shall reflect how each member voted, with respect to the report or with respect to any action taken by the committee which is referred to in the report. (Prior code 2-1-1.1)

**2.04.030 Office.**

A. There is created a metropolitan council office which shall be composed of such personnel, including clerical and secretarial personnel, either part-time or full-time, as may be authorized by the metropolitan council. The office shall provide research and advisory services to the council or any committee of the council upon request by the president of the council or upon request of any committee of the council. The duties of the office shall be limited to researching and advising the council or committee of the council on legislative matters. The office shall be responsible solely to the metropolitan council.

B. The annual operating budget of the council office shall be prepared and submitted as a part of the budget of the metropolitan council.

C. Members of the council office shall have full access to books, records and reports of all departments, boards, commissions and agencies of the metropolitan government. Such office however, shall exercise discretion

to avoid unnecessary interference with the orderly work and responsibilities of other governmental officials, agencies and departments.

D. A special committee of the council, comprised of the chairmen of all standing committees and the president of the council, is authorized and directed to prepare plans for the organization of the office, to employ personnel, to secure suitable office space and supplies, to designate job specifications, and for such other matters as it may deem necessary and desirable for the orderly and efficient operation of the staff. The special committee shall submit its re-port and recommendations to the council for final approval. (Ord. BL2001-695 § 1, 2001; prior code § 2-1-1.2)

**2.04.040 Advertisement and notice concerning rezone hearings or urban renewal projects.**

Advertisements of public hearings for rezoning ordinances or for plans for urban renewal projects shall be filed with the metropolitan clerk at least five days prior to filing with any newspaper of general circulation for publication. Further, the metropolitan clerk shall notify each councilman who represents a councilmanic district wherein the affected property is located of receipt of the proposed advertisement. (Prior code § 2-1-3.2)

**Article II. Standards for Ethical Conduct**

**2.04.050 Affirmative responsibilities.**

A council member shall promptly report to the district attorney general any solicitation amounting to an attempt to bribe him. (Ord. BL2001-692 § 1, 2001; prior code § 2-1-129)

**2.04.060 Conflict of interest.**

A. Whenever a council member has or is likely to have a conflict of interest in connection with a matter pending before the council or any committee of the council, said member shall disqualify himself from further action on the matter and shall not vote on said matter.

B. Whenever a council member has or is likely to have a conflict of interest in connection with any official matter other than one pending before the council, said member shall either:

1. Disqualify himself from further participation in the proceeding; or
2. Conduct himself in accordance with an advisory opinion or determination of the board of ethical conduct. (Ord. 95-32 § 2, 1995)

**2.04.070 Ethical standards.**

A. The metropolitan council recognizes that its members hold their office as a trust conferred by the people, and that this public trust requires council members to observe the highest ethical standards. Council members must accordingly refrain from unethical conduct.

B. For this reason, the council undertakes to set forth standards of ethical conduct and to create a board of ethical conduct which shall interpret and apply the standards by following designated procedures, subject to review by the council. (Ord. BL2001-692 § 2, 2001; prior code § 2-1-121)

**2.04.080 Soliciting or accepting gifts or other benefits.**

A. A council member shall not derive or attempt to derive any unjustified enrichment from his office. This subsection forbids:

1. The solicitation or acceptance of any bribe, or any gift or other benefit, or of any promise of similar benefit, which he believes or reasonably should believe was intended to influence his vote or other action to be taken in his official capacity; or

2. The solicitation or acceptance of any gift or other economic benefit conferred because of any vote or other action in his official capacity already taken by him; or

3. The acquisition or use for personal purposes of any property, services or funds of metropolitan government, unless authorized by law; or

4. The use for personal gain of information pertaining to metropolitan government which is not a matter of common knowledge, at a time when it is treated as confidential by metropolitan government.

B. Council members shall not solicit or arrange for a benefit of any type prohibited in subsection A of this section to be conferred on any other person.

C. For the purposes of this section, a member of council who receives a gift or benefit which is provided to all other members of council, other elected officials, employees of the metropolitan government, or members of the general public, shall not be deemed a gift or benefit prohibited by this section. It is recognized that numerous groups, both for-profit and not-for-profit, provide meals, entertainment, and recreational opportunities as part of their attempt to inform the members of council of their purpose and their programming, and which is not offered in an attempt to influence pending or previously adopted legislation. (Amdt. 1 to Ord. BL2001-692 § 3, 2001; prior code § 2-1-122)

**2.04.090 No benefits from contractual arrangements.**

A council member shall not enter into nor derive any benefit, directly or indirectly, from any contractual arrangement with metropolitan government, or with any of its agencies, unless authorized by law. (Prior code § 2-1-124)

**2.04.100 Use of position for improper influence.**

A council member shall not exert, or attempt to exert, influence which derives from his position as council member and which interferes with the performance of an official function by an officer or agency of metropolitan government or with the independent exercise of judgment and discretion by the officer or agency in the performance of an official function, unless the exercise or influence is within the legal authority of the office of council members. (Prior code § 2-1-125)

**2.04.110 Voting or other actions—Independent judgment required.**

A council member shall not vote, or take any other discretionary action in his official capacity, except in the exercise of his own independent judgment, reached with due regard for the collective interest of his constituency as a whole and of the metropolitan community as a whole. The prohibition of this section extends to any agreement to take action in violation of the section and to any effort to induce other council members to violate it. (Prior code § 2-1-127)

**2.04.120 Voting or other actions—Improper influence prohibited.**

A council member shall not vote or take any other action in his official capacity under the influence of a benefit of the type specified in Section 2.04.080, which is received by, promised to or expected by himself or any other person designated in his behalf, regardless of the intention of the parties at the time the benefit was received or promised. (Prior code § 2-1-123)

**2.04.130 Representation for compensation prohibited.**

A council member shall not, either in person or through an affiliate, represent any person for compensation before an administrative or legislative officer or agency of metropolitan government. (Prior code § 2-1-126)

**Article III. Council Board of Ethical Conduct**

**2.04.150 Created—Organization—Vacancies.**

A. There is created the council board of ethical conduct, sometimes hereinafter referred to as the “board.” The board shall consist of five members, who shall have been residents of the area of the metropolitan government for not less than two years prior to appointment and shall continue such residency as a qualification for membership. No member shall be an official or employee of the metropolitan government or any other government. The members of the board shall serve for terms of three years each, except the members first appointed, they shall serve for terms as provided in Section 2.04.200. The presence of three members shall be required to constitute a quorum for the Board to conduct business. The president pro tem of the council shall be an ex officio, no-voting, member of the board.

B. One member each of the board shall be selected by the following organizations:

The League of Women Voters of Nashville  
The Nashville Area Central Labor Council  
The Napier-Looby Bar Association  
The Nashville Area Chamber of Commerce  
The Nashville Bar Association

Upon the selection of the member of the board by the above named organizations, the organization shall file with the metropolitan clerk evidence of the selection.

C. Any vacancy due to any cause shall be filled for the unexpired term in the same manner as the original appointment. A vacancy shall be deemed to exist upon the occurrence of any one or more of the following conditions:

1. If a member moves their permanent residence out of Davidson County; dies or resigns or for any reason re-fuses to serve during the period for which they were appointed; or

2. If the member becomes a member of the council, an official, or employee of the metropolitan government or any other government or a candidate for public office; or

3. If a member fails to attend and participate in three consecutive meetings (provided said meetings were not held in the same week) or fails to attend at least two-thirds of all meetings of the board held within a calendar year, provided that said board meets at least three times during the calendar year. (Amdt. 3 to Ord. 95-32, 11/21/95; Amdts. 1, 2 to Ord. 95-32, 10/17/95; Ord. 95-32 § 3 (part), 1995)

**2.04.160 Officers and staff.**

The board shall elect from its membership a chairperson and vice-chairperson who shall each be selected for one-year terms. The metropolitan clerk or a designee shall serve as the custodian of its records and minutes and shall act as the board secretary. The

metropolitan attorney shall furnish legal assistance to the board. (Ord. 95-32 § 3 (part), 1995)

#### **2.04.170 Duties and responsibilities.**

The board, in addition to such other duties as may be assigned to it by ordinance, shall have the following duties and responsibilities:

A. To establish and make public the procedures and rules governing its internal organization and the conduct of its affairs; and

B. To maintain records of its investigations, inquiries and proceedings; and

C. To conduct an investigation into any alleged unethical conduct of any member of council pursuant to the provisions of Section 2.04.180; and

D. To render advisory opinions when requested by a member of council, which shall be issued within ten days of receipt of the request, unless additional time is permitted by the president of the council. (Ord. 95-32 § 3 (part), 1995)

#### **2.04.180 Investigation procedures.**

A. The board shall conduct an investigation into the alleged unethical conduct of any member of council only (1) upon a written complaint signed by and sworn to by the complaining party; (2) when requested by a resolution duly adopted by the council; or (3) if initiated, in writing, by a member of the board and filed with the metropolitan clerk. Such complaint, resolution, or writing shall contain with specificity factual information including, but not limited to, (a) the alleged conduct entered into; (b) the gift, economic benefit, or bribe offered or received; (c) the date such was offered or received; (d) the person or entity providing such gift or economic benefit; (e) the legislative action under consideration at the time of conduct; (f) the contractual arrangement from which benefit was received; (g) the date improper influence was exerted; (h) the official, or agency upon which such influence was exerted; and/or (i) such other facts as are necessary to provide a reasonable belief that a member has engaged in unethical conduct. Upon receipt of such complaint, resolution, or writing, the metropolitan clerk shall forward a copy to each member of the board and to the member of council whose conduct has been alleged to be unethical. The chair of the board shall forward a copy of the complaint, resolution, or writing to the metropolitan attorney for an appropriate investigation.

B. Upon receipt of a copy of the complaint, resolution, or writing by the metropolitan attorney, the metropolitan attorney shall undertake such investigation as may be deemed necessary to determine if such complaint, resolution, or writing, alleges facts, if proven true, could

be deemed unethical conduct in violation of Article II of this chapter. The metropolitan attorney shall interview such person or persons as deemed necessary, review such documents as deemed necessary, and may request an interview with the member or members of council against whom the allegations are made. The member or members of council shall have the right to be represented by council at such interview and shall have the right to decline such interview. No inference of guilt or admission of guilt shall be attributed to the decision by a member of council to not be subjected to an interview during this investigation. Upon the conclusion of the investigation, the metropolitan attorney shall file with the metropolitan clerk a report of the results of the investigation, which shall include a recommendation as to whether or not a hearing on the allegations should be conducted by the board. The metropolitan clerk shall forward a copy of the report filed to the members of the board, the person or persons filing the complaint, resolution, or writing, and to the member or members of council involved.

C. Upon receipt of the report of the metropolitan attorney, the chair of the board, with proper notice to the public, the affected member or members of council, the complainant, and to the press shall convene a meeting of the board. At such meeting the board shall determine, after due consideration of the report of the metropolitan attorney, whether or not to conduct a hearing on the complaint, resolution, or writing filed against the member or members of council. In order to conduct a hearing at least three members of the board must affirmatively vote to conduct such hearing. Should the board determine not to conduct a hearing, the matter shall be terminated. If the board votes to conduct a hearing, a date shall be scheduled for such public hearing. At such hearing the board shall hear testimony, consider the report of the metropolitan attorney and any other evidence offered by the metropolitan attorney, hear testimony from the person making the complaint, and/or hear testimony from the member of council whose conduct has been brought into question. This hearing shall be conducted in accordance with the procedures generally followed in quasi-judicial matters by administrative agencies, provided however, a hearing officer may not be utilized by the board. The member or members of council whose conduct is questioned shall have the right to be represented by counsel, shall have the right to cross-examine all witnesses and cannot be compelled to testify in the proceedings.

D. Upon the conclusion of such hearing, the board shall make a written report, approved by an affirmative vote of not less than three members of the board, to each member of the council, including findings of fact as to whether or not the standards of ethical conduct were

violated and the action to be taken, if any. If a violation is found, the board shall take one or all of the following actions:

1. Recommend that the member of council be censured by the council; or
2. Recommend to the member of council that the member resign the position of member of council; or
3. Refer the action to the district attorney general for appropriate action under state law, including, but not limited to, ouster from office; or
4. Refer the matter to the metropolitan attorney with a request that appropriate civil action be taken by the metropolitan government for restitution or other appropriate relief. (Amdt. 2 to Ord. BL2001-692 § 4, 2001; Ord. 95-32 § 3 (part), 1995)

**2.04.190 Council action on censure recommendation.**

Upon receipt of recommendation from the board that a member of council be censured by the council, the chairman of the rules-confirmations-public elections-aviation committee shall file a resolution with the metropolitan clerk providing for censure of the offending member of council which resolution shall be adopted by an affirmative vote of twenty-one members of council. Said resolution may also provide for the removal of the member of council from any or all committees of the council and removal as chairman of a committee of the council. (Ord. 95-32 § 3 (part), 1995)

**2.04.200 Transitional provisions.**

A. Of the first members of the board appointed, the member selected by the League of Women Voters of Nashville and by the Nashville Area Central Labor Council, shall serve for an initial term of one year; the member selected by the Napier-Looby Bar Association and by the Nashville Area Chamber of Commerce shall serve for an initial term of two years; and the member selected by the Nashville Bar Association shall serve for an initial term of three years. The term of office for each member shall expire on December 31st of the appropriate year. Thereafter, said members appointed shall serve for the full three-year term.

B. The vice-mayor shall serve as an ex-officio member for the purpose of calling the first organizational meeting which shall be held not later than February 1, 1996. At such meeting, the vice-mayor shall preside until the chairperson is elected by the board and thereafter the vice-mayor shall cease to be an ex-officio member of the board. The vice-mayor shall not be entitled to vote and shall not be deemed a member for the purpose of

determining the presence of a quorum. (Amdt. 2 to Ord. 95-32, 10/17/95; Ord. 95-32 § 3 (part), 1995)

**Chapter 2.08  
MAYOR**

**Sections:**

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- 2.08.010 Acceptance and execution of certain easements and permits.**
- 2.08.020 Agreements with tax-exempt institutions for payment of metropolitan government services.**
- 2.08.030 Budget—Copies supplied—Contents.**
- 2.08.040 Professional services contracts for architectural or engineering services.**
- 2.08.045 Conditional signature and submission of grant applications.**

**Article II. Civil Emergencies**

- 2.08.050 Definitions for Article II.**
- 2.08.060 Proclamation of emergencies by mayor.**
- 2.08.070 General curfew proclamation authority.**
- 2.08.080 Mayor's powers and duties during proclaimed emergencies.**
- 2.08.090 No limitation of freedom of speech or peaceful demonstrations.**
- 2.08.100 Persons exempt from general curfew.**

**Article I. Powers and Duties**

- 2.08.010 Acceptance and execution of certain easements and permits.**

The mayor or, at his direction, the director of public property administration, the director of public works or the director of water and sewerage services, is authorized to accept and execute, on behalf of the metropolitan government, the conveyances of easements to the metropolitan government, permits to cross the property of others, and agreements relating thereto when necessary for the construction or development of any public project. (Prior code § 2-1-2)

**2.08.020 Agreements with tax-exempt institutions for payment of metropolitan government services.**

A. The mayor is authorized to appoint a person or persons who shall institute and carry out negotiations with those institutions or agencies which are exempt from taxation and which are receiving services such as fire protection, refuse collection or police protection from the metropolitan government. The mayor is further authorized to enter into contracts with such institutions or agencies with respect to the payments to be made by such agencies to the metropolitan government for the furnishing of these services. Such contracts may be for a period of years to be determined by the mayor, and shall be based upon the reasonable cost of furnishing such services to any tax-exempt institutions or agencies within the metropolitan government area and for which services are provided or available.

B. Those tax-exempt institutions or agencies entering into such contracts with the metropolitan government are exempt from any fees or service charges which may hereafter be levied by the metropolitan government for such services. (Prior code § 2-1-2.1)

**2.08.030 Budget—Copies supplied—Contents.**

The metropolitan mayor shall provide each member of the metropolitan council with a copy of the capital improvements budget by May 20th in the year in which the budget is to be approved by the metropolitan council. The capital improvements budget shall include an index to provide councilmen with a quick reference for each individual item proposed in the capital improvements budget. (Prior code § 2-1-2.2)

**2.08.040 Professional services contracts for architectural or engineering services.**

A. The metropolitan county mayor is authorized to execute and enter into on behalf of the metropolitan government of Nashville and Davidson County, professional services contracts with any and all firms listed on the master list of architectural/engineering firms on a project-by-project basis and upon the recommendation of the capital improvements architectural/engineering review board.

B. Architectural/engineering firms may be added to the master list of architectural/engineering firms by resolution. (Prior code § 2-1-2.3)

**2.08.045 Conditional signature and submission of grant applications.**

A. The metropolitan mayor is authorized to sign and submit grant applications that are required to be but have

not yet been submitted to the metropolitan council for approval so long as said signature is accompanied by a statement that “the application is contingent upon approval of the application by the metropolitan council, by resolution, at a regularly scheduled meeting to be held on [insert date of meeting].”

B. That after the mayor has signed the grant application, a resolution approving the application shall be filed as soon possible in accordance with the rules adopted by the metropolitan council.

C. That a representative of any department for the benefit of which a grant application was submitted in the manner described in subsection A of this section shall notify the grantor agency that the application was legally and officially authorized, if the resolution approving the application is adopted by the metropolitan council, or else shall withdraw the application if the resolution approving the application is not adopted by the metropolitan council. (Ord. 96-471 § 1, 1996)

**Article II. Civil Emergencies**

**2.08.050 Definitions for Article II.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Civil Emergency. A “civil emergency” is defined to be:

1. A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by the immediate power to execute by three or more persons acting together without authority of law.

2. Any natural disaster or man-made calamity, including but not limited to flood, conflagration, cyclone, tornado, earthquake or explosion within the metropolitan government area, resulting in the death or injury of persons, or the destruction of property, to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

3. The destruction of property or the death or injury of persons brought about by the deliberate acts of one or more persons, acting either alone or in concert with others, when such acts are a threat to the peace of the general public or any segment thereof.

“Curfew” means a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the metropolitan government area, except persons officially designated to duty with reference to such civil emergency or those lawfully on the streets as defined hereinafter. (Prior code § 2-1-115)



**2.08.060 Proclamation of emergencies by mayor.**

When, in the judgment of the mayor, a civil emergency is deemed to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the metropolitan clerk. (Prior code § 2-1-116)

**2.08.070 General curfew proclamation authority.**

After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographic areas of the metropolitan government or to the metropolitan government area as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. Such proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the metropolitan mayor, but not to exceed fifteen days. (Prior code § 2-1-117)

**2.08.080 Mayor's powers and duties during proclaimed emergencies.**

After proclamation of a civil emergency, the mayor may, at his discretion, in the interest of public safety and welfare, make any of the following orders:

- A. Order the closing of all retail liquor stores;
- B. Order the closing of all establishments wherein beer or alcoholic beverages are served;
- C. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer or both is permitted;
- D. Order the discontinuance of the sale of beer;
- E. Order the discontinuance of selling, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- F. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products;
- G. Order the discontinuance of selling, distributing, dispensing or giving away any firearms or ammunition of any character whatsoever;
- H. Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition, or both;
- I. Issue such other orders as are necessary for the protection of life and property. (Prior code § 2-1-118)

**2.08.090 No limitation of freedom of speech or peaceful demonstrations.**

It is the intent of the metropolitan council not to limit peaceful demonstrations, freedom of speech or the lawful use of the streets, alleys and public property, except to the extent necessary to avert or control a civil emergency. (Prior code § 2-1-119)

**2.08.100 Persons exempt from general curfew.**

Any curfew imposed pursuant to this article shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission from the metropolitan chief of police, which permission shall be granted on good cause shown. Such a curfew also shall not apply to medical personnel in the performance of their duties. (Prior code § 2-1-120)

**Chapter 2.10**

**OFFICE OF EMERGENCY MANAGEMENT**

**Sections:**

- 2.10.010 Office established.**
- 2.10.020 Duties of office.**
- 2.10.030 Personnel.**
- 2.10.040 Emergency support unit.**
- 2.10.050 Emergency management council.**
- 2.10.060 Interfering with emergency management officials unlawful.**

**2.10.010 Office established.**

There is hereby created the office of emergency management which shall be a division of the office of the mayor. All employees of this office, including the director of the office of emergency management and all other staff members, shall be under the management and control of the mayor. (Ord. 94-1074 § 1, 1994)

**2.10.020 Duties of office.**

The duties of the office of emergency management shall include, but shall not be limited to, the following: (1) to promote, coordinate, and direct a comprehensive emergency management program which addresses mitigation, preparedness, response and recovery relative to disasters and major emergencies; (2) to develop a basic emergency management plan, which shall be exercised and updated annually, in compliance with all applicable state and federal laws and regulations; (3) to provide public information, education, and promotion of mitigation activities; (4) responsible for water activities; (5) and other activities related to the establishment of a comprehensive emergency management program. (Ord. 97-927 § 1, 1997; Ord. 94-1074 § 2, 1994)

#### **2.10.030 Personnel.**

All employees of the office of the mayor assigned to this program as of the effective date of the ordinance codified in this chapter shall be transferred to the office of emergency management and shall continue to be in the unclassified service. (Ord. 94-1074 § 3, 1994)

#### **2.10.040 Emergency support unit.**

A. The emergency support unit (ESU) of the office of emergency management is created. The ESU shall be composed of volunteers to augment regular emergency management services provided by the office of emergency management during periods of actual or threatened emergencies, search and recovery operations, and public events.

B. The director shall be responsible for the supervision of the ESU and shall promulgate rules and regulations which will establish membership requirements, and the duties and responsibilities of its members. (Ord. 97-927 § 2 (part), 1997)

#### **2.10.050 Emergency management council.**

A. An emergency management council is created to advise and assist the office of emergency management in the administration of its duties including the development of an emergency management plan. This council shall be composed of representatives of each affected department, agency and commission of metropolitan government, as well as related volunteer, civic, business and industry representatives. These representatives shall be appointed by the director or department head of the affected department, agency or commission, or the management of the organization or business. All volunteer, civic, business and industry appointments shall be approved by the emergency management director. The members of the emergency management council shall serve without compensation and shall operate in an advisory capacity.

B. This council shall be chaired by the director and shall establish rules and subcommittees as necessary to advise, assist and otherwise promote comprehensive, community-wide involvement in emergency management. This council shall recommend appropriate policies and procedures for inclusion in the emergency management plan. (Ord. 97-927 § 2 (part), 1997)

#### **2.10.060 Interfering with emergency management officials unlawful.**

It is unlawful for any person to interfere with or hinder any officer or employee of the office of emergency management in the discharge or apparent discharge of his

duties imposed by the provisions of this chapter. (Ord. 97-927 § 2 (part), 1997)

### **Chapter 2.12 METROPOLITAN TRUSTEE**

#### **Sections:**

**2.12.010 Bond for metropolitan trustee.**

**2.12.020 Storage of certain obsolete tax records—Duties and reports.**

**2.12.030 Metropolitan trustee to collect delinquent property taxes.**

#### **2.12.010 Bond for metropolitan trustee.**

A. The official bond of the metropolitan trustee is fixed at eight hundred thousand dollars.

B. In the event the bond of the metropolitan trustee in the amount fixed by this section shall at any time be less than the minimum amount of bond required by general law of the state for county trustees, then the metropolitan trustee shall make bond in the amount authorized by general law of the state. (Prior code § 15-1-1)

#### **2.12.020 Storage of certain obsolete tax records—Duties and reports.**

The metropolitan trustee is authorized and directed to store with the State Archives Division of the Tennessee State Library and Archives at Nashville any tax books and tax receipt books which are no longer required to be available to title companies, the general public or anyone else due to the date of which they are a record; provided, that the metropolitan trustee shall submit to the metropolitan council a report containing a description of those tax books and receipt books which have been turned over to the Archives Division of the Tennessee State Library and Archives, and the metropolitan clerk shall spread such report on the minutes of the metropolitan council. (Prior code § 15-1-2)

#### **2.12.030 Metropolitan trustee to collect delinquent property taxes.**

A. Pursuant to Section 6-55-101(b), Tennessee Code Annotated, the metropolitan trustee is directed to collect real and personal property taxes or tax equivalents and all merchants' ad valorem taxes, including all such delinquent taxes and any interest and penalties thereon. It shall then be the duty of the metropolitan trustee to collect said delinquent taxes.

B. The metropolitan trustee shall remit daily to the metropolitan treasurer, all taxes and penalty and interest collected under the provisions of this section, and furnish such reports, accounting, inventories, and other

documentation consistent with generally accepted accounting procedures as may be required by the director of finance. The metropolitan trustee shall report the status of delinquent taxes filed for further legal action with the chancery court in a form approved by the director of finance.

C. The metropolitan trustee shall not receive a commission or other compensation for receiving and paying over such taxes, penalty and interest collected pursuant to this section, nor for providing reports and accounting pursuant to this section. (Ord. 96-299 § 1, 1996)

## **Chapter 2.16**

### **PUBLIC DEFENDER**

#### **Sections:**

**2.16.010 Powers and duties—Restrictions.**

**2.16.020 Additional assistant public defender—Position created.**

**2.16.030 Additional assistant public defender—Qualifications.**

**2.16.040 Additional assistant public defender—Appointment and term—Criminal law practice restrictions.**

**2.16.050 Special assistant public defenders.**

#### **2.16.010 Powers and duties—Restrictions.**

A. The public defender shall render legal aid and defend only those indigent defendants who are in jail, charged with the commission of a crime and are unable to make bond, or such other defendants as a court with criminal jurisdiction shall determine to be indigent. In addition, the public defender shall provide guardian ad litem services when such services are deemed required by the Davidson County juvenile court for children who are the subject of proceedings in such court and the metropolitan government would be required by law to pay reasonable compensation for such services if not provided by the public defender.

B. The public defender shall not prosecute any appeal of an indigent defendant where such person was not represented by the public defender at the original trial from which the appeal is being taken.

C. The public defender shall not represent any indigent defendant at any state of a habeas corpus proceeding not initiated by the public defender. (Ord. 97-999 § 1, 1997; prior code § 2-1-41)

#### **2.16.020 Additional assistant public defender—Position created.**

There is created an additional assistant public defender as provided in Section 14.10 of the Metropolitan Charter. (Prior code § 2-1-42)

#### **2.16.030 Additional assistant public defender—Qualifications.**

The additional public defender shall be licensed to practice law in this state and shall be at the time of his appointment, and shall continue to be during the period of his service, a resident of the area of the metropolitan government. (Prior code § 2-1-43)

#### **2.16.040 Additional assistant public defender—Appointment and term—Criminal law practice restrictions.**

The additional assistant public defender shall serve at the pleasure of the public defender. Notice of his appointment or of revocation of the same shall be in writing and filed with the clerk of the criminal court. The additional assistant public defender may attend all criminal courts and discharge all the duties imposed by law on the public defender. The additional assistant public defender shall not engage in the private practice of criminal law during the period of his service, except to conclude matters pending when he was appointed. (Prior code § 2-1-44)

#### **2.16.050 Special assistant public defenders.**

A. The public defender is authorized to employ such additional attorneys, designated as special assistant public defenders, to aid him in the performance of the duties and responsibilities of his office within the limits of his annual budgetary appropriations for the office of the public defender, and each of these special assistant public defenders shall serve at the pleasure of the public defender.

B. Special assistant public defenders shall comply with all the qualifications of the public defender, as set out in Sections 14.10 and 14.11 of the Metropolitan Charter, and shall abide by all restrictions and limitations imposed upon the public defender by those same sections.

C. The public defender shall file a written notice of the appointment or revocation of all special assistant public defenders with the clerk of the criminal court. (Prior code § 2-1-46)

## Chapter 2.20

### DEPARTMENT OF CODES ADMINISTRATION

#### Sections:

- 2.20.010 Department created—Organization and membership.**
- 2.20.020 Powers and functions.**
- 2.20.030 Director—Service as secretary of certain boards.**
- 2.20.040 Director—Additional powers and duties.**
- 2.20.050 Director—Determination of duties of sections and units.**
- 2.20.060 Assignment of additional functions and personnel to department.**
- 2.20.070 In-service training fund.**
- 2.20.080 Employees—Conflict-of-interest restrictions.**
- 2.20.090 Conflicts with civil service commission rules.**
- 2.20.100 Building inspection staff.**
- 2.20.110 Gas/mechanical inspection staff.**
- 2.20.120 Plumbing inspection staff.**

#### **2.20.010 Department created—Organization and membership.**

There is hereby created a department of codes administration, which shall consist of the director of codes administration, and such other officers and employees as may be provided by ordinance or by the rules and regulations of the director of codes administration consistent therewith. The department of codes administration shall be organized into an enforcement section and an administrative staff section and any other divisions, sections or units as may be provided by ordinance or by the rules and regulations of the director consistent therewith. (Prior code § 2-1-20)

#### **2.20.020 Powers and functions.**

The department of codes administration shall have the power and its duty shall be to perform the following functions:

A. The enforcement of all laws, ordinances and regulations relating to electrical installations, building and construction, plumbing installations, gas/mechanical installations, the housing code and the zoning code and regulations;

B. To provide administrative staff services to the following boards:

1. Metropolitan board of fire and building code appeals,

2. Metropolitan board of plumbing examiners and appeals,

3. Metropolitan board of housing code appeals,

4. Metropolitan board of electrical examiners and appeals;

5. Metropolitan board of gas/mechanical examiners and appeals;

C. Perform such other duties as may be assigned to it by ordinance or by order of the mayor. (Ord. 90-1253 §§ 2, 3, 1990; prior code § 2-1-24)

#### **2.20.030 Director—Service as secretary of certain boards.**

The director of codes administration, or such member of his staff as he may designate shall serve as secretary of each of the boards listed in Section 2.20.020, and as such secretary he shall not have any vote, but shall keep the minutes and perform such other secretarial duties as may be necessary. (Prior code § 2-1-26)

#### **2.20.040 Director—Additional powers and duties.**

In addition to such other powers and duties as are otherwise provided in this code, the director of the department of codes administration shall have the power and his duty shall be to perform the following:

A. To be responsible for the day-to-day management of the department of codes administration, and to keep or cause to be kept a detailed record of all business of the department. Pursuant to the duties imposed upon him, the director shall prepare or cause to be prepared monthly reports on all activities of the department, including but not limited to:

1. All department receipts and expenditures,
2. The number and classification of all employees,
3. The number of permits issued under each code,
4. A tabulation of the number of inspections made and actions taken by the department by council districts, and

5. The number, by type, location, and date filed, of any and all complaints to the department by council districts;

B. The department shall provide, on a monthly basis, the reports listed in subsection (A)(4) and (5), to the respective member of the metropolitan council and shall provide, on a monthly basis, a complete set of reports listed in subsection (A)(4) and (5) to each councilmember-at-large.

C. To enforce, in the manner provided in this code, all laws, ordinances, codes and regulations as may be specifically assigned to the department of codes administration for enforcement, and to promulgate rules

and regulations as may be deemed necessary for the effective enforcement of the same; provided, that all such rules and regulations promulgated by the director shall become effective upon written approval by the metropolitan mayor, and shall be reviewed by the department of law as to form and legality prior to submission of the same to the metropolitan mayor for approval.

D. Emergencies—Powers of Director. The decision of the director of codes administration shall be final in cases of emergency, without notice to the owner, which in his opinion involved imminent danger to human life or health. The director shall immediately cause such building, structure or portion thereof to be made safe or removed. For this purpose, the director may enter at once such building or structure or the premises upon which the same is located, or abutting land or structures, with such assistances and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private street, alley or means of egress.

E. Emergencies—Notification of Director—Responsibilities. In any case of emergency, the director of codes administration or his deputy shall be notified by the fire department, the police department or any other metropolitan department as may be deemed necessary, and he shall immediately proceed to the scene of any disaster caused by a calamity, flood, fire or any act of God and render assistance and post such notice as may be necessary to warn the general public of imminent or latent danger of collapse of any building, structure or appurtenance thereto cause by reason of such calamity, fire flood or act of God. The director may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of other metropolitan officials. (Ord. BL2003-39 § 1, 2003; Ord. BL2002-1142 § 29, 2002; prior code § 2-1-27)

#### **2.20.050 Director—Determination of duties of sections and units.**

The director of codes administration shall determine the functions of the various sections and units of the department of codes administration. (Prior code § 2-1-33)

#### **2.20.060 Assignment of additional functions and personnel to department.**

The administrative and enforcement functions, duties and inspection staff personnel relating to all laws, ordinances and regulations in regard to miscellaneous industrial and commercial uses, water, sewer and gas installations, public gatherings and tourist camps, are hereby

assigned to the department of codes administration. (Prior code § 2-1-25)

#### **2.20.070 In-service training fund.**

To provide for the development of the in-service training program and the in-service training plan, there is established an in-service training fund, which shall not exceed one percent of the total operating budget of the department of codes administration for any one fiscal year. The in-service training fund shall not be accumulative. Should there be a surplus in the fund at the end of any fiscal year, the next fiscal budget shall include only such funds as may be necessary to raise the total to the one-percent level. (Prior code § 2-1-34)

#### **2.20.080 Employees—Conflict-of-interest restrictions.**

A. No officer or employee connected with the department of codes administration, except one whose only connection is as a member of the board of building code appeals, shall be financially interested in the furnishing of labor, material, appliances for construction, repair, alteration or maintenance of a building, or in the design or making of plans or specifications therefor, unless he is the owner of such building. No such officer or employee shall engage in any work or conduct any business which is inconsistent with his duties or with the interests of the department.

B. No officer or employee of the department of codes administration shall be financially or otherwise interested in the furnishing of any labor, materials or appliances for the installation, alteration, repair or maintenance of any electrical, gas, mechanical plumbing installation or system, or in the making of any plans or the preparation of any specifications therefor, except in such instances where such officer or employee is the sole legal owner of the building or structure where such installation is to be made. (Ord. 98-1445 § 1, 1998; prior code § 2-1-32)

#### **2.20.090 Conflicts with civil service commission rules.**

Any provision of this division in conflict with the rules and regulation of the metropolitan civil service commission shall be of no effect, and the rules and regulations of the metropolitan civil service commission shall control. (Prior code § 2-1-35)

#### **2.20.100 Building inspection staff.**

A. The director of codes inspection, with the approval of the metropolitan mayor, shall appoint such officers, inspectors and inspector trainees as may be deemed necessary for effective enforcement of Chapters 2.80, 16.04,

16.08 and Chapters 16.28 through 16.56 of this code, as the same may be authorized by the metropolitan council and provided for in the operating budget of the department of codes administration, subject to the civil service provisions of the Metropolitan Charter.

B. No person shall be appointed to the position of senior building inspector, building inspector or building inspector trainee who has not met the employment standards established for such position and who has not successfully passed an examination for such position. (Prior code § 2-1-28)

**2.20.110 Gas/mechanical inspection staff.**

A. The director of codes administration, with the approval of the mayor, shall appoint such officers, inspectors and inspector trainees as may be deemed necessary for effective enforcement of this chapter, as the same may be authorized by the metropolitan council and provided for in the operating budget of the department of codes administration, subject to the civil service provisions of the Metropolitan Charter.

B. No person shall be appointed to the position of chief gas/mechanical inspector, gas/mechanical inspector or gas/mechanical inspector trainee who has not met the employment standards established for such position and who has not successfully passed an examination for such position. (Ord. 90-1253 § 4, 1990: prior code § 2-1-31)

**2.20.120 Plumbing inspection staff.**

A. The director of codes administration, with the approval of the mayor, shall appoint such officers, inspectors and inspector trainees as may be deemed necessary for effective enforcement of this chapter, as the same may be authorized by the metropolitan council and provided for in the operating budget of the department of codes administration, subject to the civil service provisions of the Metropolitan Charter.

B. No person shall be appointed to the position of senior plumbing inspector, plumbing inspector or plumbing inspector trainee who has not met the employment standards established for such position and who has not successfully passed an examination for such position. (Prior code § 2-1-29)

## **Chapter 2.24**

### **DEPARTMENT OF FINANCE**

#### **Sections:**

#### **Article I. General Regulations**

- 2.24.010 Department created—Divisions designated.**
- 2.24.020 Director of finance—Powers and duties.**
- 2.24.030 Budget officer.**
- 2.24.040 Chief accountant.**
- 2.24.050 Metropolitan treasurer.**
- 2.24.060 Collections officer.**
- 2.24.070 Purchasing agent.**
- 2.24.080 Director of public property administration.**
- 2.24.090 Payroll section, payroll supervisor and assistant payroll supervisor.**
- 2.24.100 Internal audit section and chief auditor.**
- 2.24.101 Audit committee—Material submitted by director of finance.**
- 2.24.102 Audit procedures and guidelines.**
- 2.24.103 Title VI implementation plans and annual reports.**

#### **Article II. Department of Information Systems**

- 2.24.110 Created—Transfer of functions.**
- 2.24.115 Officers—Duties.**
- 2.24.120 Consolidation of functions.**
- 2.24.125 Recovery of costs.**
- 2.24.130 Personnel.**
- 2.24.135 Office of telecommunications—Created.**
- 2.24.140 Office of telecommunications—Organization.**
- 2.24.145 Office of telecommunications—Additional powers and responsibilities.**
- 2.24.146 Website calendar for board and commission meetings.**

#### **Article III. Division of Public Property Administration**

##### **Part I. Organization and Operation**

- 2.24.150 Composition of division—Salary of director.**
- 2.24.160 Sections and other units—Establishment authority.**

- 2.24.170 Sections and other units—Functions—Assignment of employees' duties.**
- 2.24.180 Land acquisition and disposal—Standard procedures.**
- 2.24.190 Inventory of public property and equipment.**
- 2.24.200 Public property—Maintenance responsibility.**
- 2.24.210 Public property—Leasing, rent collection, sale and disposal.**
- 2.24.211 Billboard lease agreement restrictions.**

#### **Part II. Metropolitan Government Real Estate**

- 2.24.220 Director of public property administration—Rule and regulation authority.**
- 2.24.230 Leasing or subleasing conditions.**
- 2.24.240 Acquisition of real estate.**
- 2.24.250 Disposition of surplus property.**

#### **Article IV. (Reserved)**

#### **Article V. Relocation Assistance Program**

- 2.24.370 Program established—Statutory authority.**
- 2.24.380 Administering agency.**

#### **Article VI. (Reserved)**

#### **Article I. General Regulations**

- 2.24.010 Department created—Divisions designated.**

The department of finance of the metropolitan government is hereby created, as provided for in the Metropolitan Charter, Article 8, and shall consist of the division of budgets, the division of accounts, the division of collections, the division of treasury, the division of purchases, the division of public property administration and such other units as may be established by ordinance. (Prior code § 15-1-3)

- 2.24.020 Director of finance—Powers and duties.**

The powers, duties and compensation of the director of finance shall be those set out Sections 8.102 and 8.103 of the Metropolitan Charter and as may be provided by ordinance consistent with the Metropolitan Charter. (Prior code § 15-1-4)

**2.24.030 Budget officer.**

The powers, duties and compensation of the budget officer shall be those set out in Section 8.104 of the Metropolitan Charter and as may be provided by ordinance consistent with the Metropolitan Charter. (Prior code § 15-1-5 (a))

**2.24.040 Chief accountant.**

The powers, duties and compensation of the chief accountant shall be those set out in Section 8.105 of the Metropolitan Charter and as may be provided by ordinance consistent with the Metropolitan Charter. (Prior code § 15-1-5 (b))

**2.24.050 Metropolitan treasurer.**

The powers, duties and compensation of the metropolitan treasurer shall be those set out in Section 8.106 of the Metropolitan Charter and as may be provided by ordinance consistent with the Metropolitan Charter. (Prior code § 15-1-5 (c))

**2.24.060 Collections officer.**

The powers, duties and compensation of the collections officer shall be those set out in Section 8.107 of the Metropolitan Charter and as may be provided by ordinance consistent with the Metropolitan Charter. (Prior code § 15-1-5 (d))

**2.24.070 Purchasing agent.**

The powers, duties and compensation of the purchasing agent shall be those set out in Sections 8.108, 8.109, 8.110 and 8.111 of the Metropolitan Charter and as may be provided by ordinance consistent with the Metropolitan Charter. (Prior code § 15-1-5 (e))

**2.24.080 Director of public property administration.**

The powers and duties of the director of public property administration shall be those set out in Section 8.112 of the Metropolitan Charter and as may be provided by ordinance consistent with the Metropolitan Charter. The salary attendant to this position shall be as prescribed in the pay plan set up by the civil service commission and approved by the mayor and the metropolitan council. (Prior code § 15-1-5 (f))

**2.24.090 Payroll section, payroll supervisor and assistant payroll supervisor.**

A. In the department of finance, division of accounts, a payroll section is created, headed by a payroll supervisor, who shall be responsible for the preparation of the metropolitan government payrolls and the issuance of all payroll

checks. All payroll checks shall be signed by the payroll supervisor and the metropolitan treasurer.

B. In the payroll section, there is created the position of assistant payroll supervisor, who is authorized to act in the absence of the payroll supervisor.

C. The salaries attendant to these two positions shall be as prescribed in the pay plan set up by the civil service commission and approved by the mayor and the metropolitan council. (Prior code § 15-1-6)

**2.24.100 Internal audit section and chief auditor.**

In the department of finance, there is created an internal audit section, which shall be under the direct supervision of the director of finance, and which shall, among other duties assigned to it by the director of finance, perform those duties set forth in Section 8.103(g) of the Metropolitan Charter. This section shall be headed by a chief auditor, whose appointment shall be made by the director of finance, with the approval of the mayor, subject to the civil service rules and regulations set out in the Metropolitan Charter. The salary attendant to this position shall be as prescribed in the pay plan established by the civil service commission and approved by the mayor and the metropolitan council. (Prior code § 15-1-7)

**2.24.101 Audit committee—Material submitted by director of finance.**

The director of finance shall submit to the metropolitan council audit committee:

A. An annual audit schedule of all audits to be conducted by the internal audit section during the succeeding fiscal year;

B. All changes to the annual audit schedule immediately following approval of the same by the director of finance;

C. Final audit reports, including management's responses and final audit recommendation within ten days after the same shall have been received by the director of finance;

D. A copy of procedures for resolving differences between departments, agencies and offices of the metropolitan government and audit findings;

E. Periodic status reports regarding the implementation of audit recommendations by metropolitan government agencies, offices and departments. (Ord. 91-1587 § 1, 1991)

**2.24.102 Audit procedures and guidelines.**

A. The director of finance shall establish procedures and guidelines for the conduct of audits by the internal audit section, consistent with generally accepted govern-



ment audit standards, and submit a copy of same to the metropolitan council no later than August 15, 1991. All amendments to such procedures and guidelines shall be forwarded to the audit committee within ten days after their approval by the director of finance.

B. At a minimum, such procedures shall require the following:

1. Each audit shall result in a written report;
2. All final audit reports shall be available for public inspection during regular business hours in the internal audit offices;
3. If appropriate, the audit report shall contain the auditor's independent report concerning the financial statements issued by the department, board or agency;
4. If applicable, the report shall contain the professional conclusions of the audit regarding the management activities audited;
5. The audit report shall also include such information as may be required to meet the reporting standards as published by the Comptroller General of the United States and the Controller of the Treasury of the state of Tennessee.

C. Prior to the completion of a final audit, all information obtained by the director of audit shall be treated as confidential, consistent with the laws of the state of Tennessee. (Ord. 91-1587 § 2, 1991)

#### **2.24.103 Title VI implementation plans and annual reports.**

A. Each department, board, commission or agency of the metropolitan government subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and regulations promulgated pursuant thereto, shall develop a Title VI implementation plan with participation by protected beneficiaries as may be required by law or regulations. To the extent applicable, such plan shall include Title VI implementation plans of any sub-recipients of federal funds through such departments, boards, commissions or agencies. Each such department, board, commission or agency shall submit annual Title VI compliance reports and implementation plan updates to the director of personnel by June 30, 2005, and each June 30 thereafter. At least once each year, the director of personnel shall publish a cumulative report of the findings and recommendations concerning compliance with the requirements of this section. The cumulative annual report shall be distributed to the mayor, each member of council, and the metropolitan clerk.

B. It is the legislative intent that any increased costs incurred by any department, board, commission or agency of metropolitan government as a result of the provisions of this section shall, to the extent legally available, be paid

from federal funds available therefore. (Ord. BL2004-352 § 1, 2004)

## **Article II. Department of Information Systems**

#### **2.24.110 Created—Transfer of functions.**

That the metropolitan department of information systems is established in place of the division of data processing. All functions hereto performed by the division of data processing shall be performed by the department of information systems. All positions currently within the division of data processing shall be transferred to the department of information systems. All functions relating to computer information systems or data processing conducted by the metropolitan government shall be reviewed and evaluated by the department of information systems to determine whether the functions are feasible and the availability of alternatives. (Ord. 93-687 § 2, 1993)

#### **2.24.115 Officers—Duties.**

The chief executive officer of the department of information systems shall be the information systems director, who shall be appointed by the metropolitan mayor and who shall serve at the pleasure of the metropolitan mayor. The information systems director shall, with the approval of the metropolitan mayor, establish divisions within the department of information systems and assign the functions, duties and goals of each division. Said director shall determine the staffing requirements of each such division and assign personnel in a manner consistent with the requirements and rules of the civil service commission of the metropolitan government and within the budget appropriation of said department. Said director shall review all proposed computer related purchases of the metropolitan government of Nashville and Davidson County and advise the purchasing agent or the requesting department whether the proposed purchase is appropriate for the need. (Ord. 93-687 § 3, 1993)

#### **2.24.120 Consolidation of functions.**

The information systems director shall devise a plan for consolidating the data processing functions and operations of the metropolitan government as economically as is feasible. Said plan shall include means and methods for preventing the unauthorized disclosure of any material or information which is not a matter of public record under the laws of Tennessee and/or which may otherwise be confidential by law. (Ord. 93-687 § 4, 1993)

#### **2.24.125 Recovery of costs.**

That the department of information systems shall utilize written charge-back procedures to recover costs from all

users of its services, whether such user be a department, board or agency of the metropolitan government or any other public or private entity. A copy of such procedures will be filed in the office of the metropolitan clerk. The information systems director shall promulgate a policy for cost recovery of all data processing services which may be promulgated and used by any department of the metropolitan government which provides data processing services until consolidation of said services is complete. (Ord. 93-687 § 5, 1993)

**2.24.130      Personnel.**

That all positions and personnel in the department of metropolitan finance, division of data processing, created and performing functions pursuant to ordinance 83-1284, are transferred to the department of information systems, with no change in pay grade, classification or employee benefits. The information systems director shall appoint all additional officers and employees, subject to the civil service provisions of the metropolitan government as may be required to adequately staff the department. (Ord. 93-687 § 6, 1993)

**2.24.135      Office of telecommunications—  
Created.**

There is created an office of telecommunications as a subdivision of the department of information services. (Ord. 93-688 § 1 (part), 1993)

**2.24.140      Office of telecommunications—  
Organization.**

The office of telecommunications shall be under the control of the director of information services. The office of telecommunications shall be managed by the cable television franchise administrator, who shall be appointed by and under the supervision of the director of information services. (Ord. 93-688 § 1 (part), 1993)

**2.24.145      Office of telecommunications—  
Additional powers and  
responsibilities.**

The office of telecommunications shall have the power, and its duty shall be, to perform the following functions:

A. Provide for the day-to-day administration and enforcement of all provisions of any and all cable communications system franchises which have been or may be issued by the metropolitan council;

B. Act as the responsible office of the metropolitan government in all matters pertaining to cable communication system franchises;

C. Provide technical programming and operational support to public agency users, such as metro department,

schools and health care institutions, of such cable communications systems that may exist within metropolitan Nashville and Davidson County;

D. Establish and approve procedures and standards for operations and services, use of dedicated channels, and expansion of available channels within guidelines included in legislation granting all such cable communications systems that may be authorized by the metropolitan council;

E. Receive and act upon complaints filed by citizens when such complaints have not been satisfactorily resolved by the grantee(s) of such cable communications system franchises as may be in operation within metropolitan Nashville and Davidson County;

F. Provide any and all reasonable and appropriate assistance requested by citizen and community groups that may be formed to facilitate public access, as required by the Federal Communications Commission, to all cable communication systems that operate within metropolitan Nashville and Davidson County;

G. Formulate and recommend to the director of information systems long-range telecommunications policy, and report to the director of information systems from time to time on the operations of cable communication systems within metropolitan Nashville and Davidson County. (Ord. 93-688 § 1 (part), 1993)

**2.24.146      Website calendar for board and com-  
mission meetings.**

The department of information systems shall construct and maintain an Internet website providing a calendar listing the date, time, location and agenda of all meetings of boards and commissions of the metropolitan government. Such calendar shall be updated on a weekly basis and shall be easily accessible from the nashville.gov website. Such information shall be posted in conformity with the policies adopted pursuant to Section 2.68.020 of this code. (Ord. BL2004-373 § 1, 2004; Ord. BL2004-245 § 1, 2004)

**Article III. Division of Public Property  
Administration**

**Part I. Organization and Operation**

**2.24.150      Composition of division—Salary of  
director.**

The division of public property administration shall consist of a director of public property administration and such other officers and employees as may be provided in the manner hereinafter specified. The salary of the director of public property administration shall be the same as the

salary of the other heads of divisions in the department of finance, as set out in Sections 8.104 through 8.108, inclusive, of the Metropolitan Charter. (Prior code § 15-1-9)

**2.24.160 Sections and other units—  
Establishment authority.**

The director of public property administration shall establish, by rules and regulations, such sections and other units as may be necessary to maintain the proper function and operation of the division of public property administration. (Prior code § 15-1-10)

**2.24.170 Sections and other units—  
Functions—Assignment of  
employees' duties.**

The director of public property administration shall prescribe, by rules and regulations, the functions of the various sections, units, officers and employees of the division, and he shall define and assign the duties and responsibilities of all of the employees of the division. (Prior code § 15-1-11)

**2.24.180 Land acquisition and disposal—  
Standard procedures.**

The director of public property administration shall, with the assistance and approval of the department of law, the director of finance and the metropolitan planning commission, establish standard procedures for acquiring and disposing of land for metropolitan departments, boards and commissions, exclusive of land acquisition for the Nashville Electric Service and the Nashville Housing Authority, and the rules and regulations by which such standard procedures are established shall be approved by resolution of the metropolitan council. (Prior code § 15-1-12)

**2.24.190 Inventory of public property and  
equipment.**

The director of public property administration shall maintain an inventory of public property and equipment. When such inventory is made, one copy thereof shall be filed in the office of the director of finance, one copy with the metropolitan clerk, one copy with the mayor, one copy with the metropolitan planning commission, and such additional copies with other public officials as the mayor may designate, so that the same may be made a part of the permanent records of the metropolitan government. The inventory shall be adjusted from time to time as additional properties are acquired or disposed of by the metropolitan government. (Prior code § 15-1-13)

**2.24.200 Public property—Maintenance  
responsibility.**

The director of public property administration, subject to the supervision of the mayor, shall be responsible for the upkeep, repair and maintenance of all property, real and personal, belonging to the metropolitan government, excluding streets, bridges, sewers, sidewalks and related highway structures, and excluding the repair and maintenance of automotive equipment. (Prior code § 15-1-14)

**2.24.210 Public property—Leasing, rent  
collection, sale and disposal.**

The director of public property administration shall be responsible for the leasing, collection of rent from leases of public property, sale and disposal of all public property of the metropolitan government where not otherwise provided by ordinance. Any leases of public property, except leases of space in the Stahlman Building, shall be subject to the approval of the metropolitan council. An annual report of each Stahlman Building lease and the rents collected therefrom shall be provided to the metropolitan council. (Ord. 96-308 § 1, 1996)

**2.24.211 Billboard lease agreement  
restrictions.**

A. The director of public property administration is directed to cancel all lease agreements providing for the erection and maintenance of billboards which leases have not specifically been approved by ordinance of the metropolitan county council.

B. No lease agreement or other instrument shall be entered into by the metropolitan government providing for the erection and maintenance of billboards on any property of the metropolitan government without the express approval of such agreement or instrument by the metropolitan council, by ordinance, any other provisions of the Metropolitan Code or ordinance of the metropolitan government to the contrary notwithstanding. (Amdt. 1 to Ord. 91-1524, 3/19/91; Ord. 91-1524 §§ 1, 2, 1991)

**Part II. Metropolitan Government Real Estate**

**2.24.220 Director of public property  
administration—Rule and regulation  
authority.**

The director of public property administration is authorized to make such rules and regulations consistent with law as he deems advisable for administering the provisions of this article. (Prior code § 2-1-105)

#### **2.24.230 Leasing or subleasing conditions.**

A. A copy of the lease or sublease agreement, including all terms and conditions thereof, shall be filed as a public record with the metropolitan clerk whenever the metropolitan government or any agency thereof leases or subleases real estate to a private individual, partnership, corporation or other private agency.

B. Whenever the lessee or sublessee of real estate leased from the metropolitan government or any agency thereof shall lease or sublease such real estate to another, the original lessee or sublessee shall file a copy of such lease or sublease as a public record with the metropolitan clerk within thirty days after receiving a certified copy of a resolution duly enacted by the metropolitan council requiring the filing of such lease or sublease, or within thirty days after receiving written notification from the mayor requiring the filing of such lease or sublease. A copy of such lease or sublease need not be filed as a public record, however, prior to ninety days after the signing of such lease or sublease without the consent of all of the parties to such lease or sublease. (Prior code § 2-1-102)

#### **2.24.240 Acquisition of real estate.**

A. The director or other chief administrative official of any department, commission, board or agency of the metropolitan government, with the approval of the mayor, is authorized to acquire land on behalf of the metropolitan government, either by purchase or by condemnation, for use for public purposes in accordance with the procedures to be established as provided in Section 8.103(k) of the Metropolitan Charter.

B. Any land acquired by, or on behalf of the metropolitan government shall be paid for out of the unencumbered balance of any appropriation for such purpose, and an appropriation for the construction of any public project or extension thereof shall be considered as an authorization for the acquisition, by purchase or condemnation of any land necessary or convenient to effecting the purposes of the project.

C. In the event it becomes necessary or convenient to acquire any land, by purchase or by condemnation, under the authority of this section, the director or other chief administrative official of the department, commission, board or agency seeking to have land acquired shall make a request in writing to the mayor giving in detail the location of the land sought to be acquired, the purpose for the acquisition, and all other information which shall be required by the rules and regulations of the director of public property administration or by executive order of the mayor.

D. No land shall be acquired by or on behalf of any commission or board unless such acquisition has been

authorized by a resolution of the commission or board, specifying in detail the land to be acquired, the public purpose or use for which the land is needed, and containing such other information as the commission or board may wish to include, or as may be required by the procedures established by rules and regulations of the director of public property administration or by executive order of the mayor.

E. When the mayor has approved a request for the acquisition of land, as provided by this section, he shall transmit the request with his approval to the director of public property administration, and the director of public property administration shall proceed to acquire the land, by purchase or by condemnation, in conformity with the procedures established by his rules and regulations in accordance with Section 8.103(k) of the Metropolitan Charter.

F. The mayor may delegate to the director of public property administration his authority to approve requests for the acquisition of land, and the director or chief administrative officer of any commission, board or agency who is dissatisfied with the disapproval of such request by the director of public property administration shall have the right to appeal such disapproval to the mayor for a decision.

G. The director of public property administration, with the assistance of the department of law and the metropolitan planning commission, shall establish standard procedures for acquiring land for metropolitan departments, boards and commissions, which standard procedures shall be in the form of rules and regulations approved by the mayor and filed with the metropolitan clerk as a public record. The director of public property administration shall prescribe by such rules and regulations the form and content of the request to the mayor for the acquisition of land as provided by this section, and he may provide for other forms and procedures consistent with this code and other ordinances and the Metropolitan Charter.

H. The provisions of this section relating to land acquisition shall not apply to land acquisition for the Nashville Electric Service and the Nashville Housing Authority, which agencies are excluded from such land acquisition procedures by Section 8.103(k) of the Metropolitan Charter, or to the Nashville Transit Authority, the land acquisition for which is provided for by Appendix Four to the Charter.

I. Prior to the adoption of an ordinance, on second reading, by the council authorizing the acquisition by purchase or condemnation of real estate to be utilized as a site for the construction of a new public school or relocation of existing public school, a public hearing shall

be held on said ordinance. The metropolitan planning commission shall give notice in two newspapers of general circulation in the area of metropolitan government at least fifteen days but no more than thirty days prior to the public hearing and shall provide additional written notice of such hearing to the district member of council in whose district the property to be acquired is to be located and to all members of the metropolitan board of public education. In addition to such notice, the metropolitan planning commission shall cause signs to be posted on the site in the same manner and under the same conditions as provided in Article XV of Chapter 17.40 and Section 17.08.030 of the Metropolitan Code; provided, however, the wording shall clearly state the intended use rather than zoning provisions. Such public hearing shall be held in the council chambers; however, such hearing need not be held during a regular meeting of the council. (Amdt. 1 to Ord. 95-1396, 5/16/95; Ord. 95-1396 § 1, 1995; prior code § 2-1-103)

#### **2.24.250 Disposition of surplus property.**

A. Whenever the director or other chief administrative officer of any department or agency, or when any board or commission, of the metropolitan government determines that real property of the metropolitan government in the custody of or used by such department, commission, board or agency is no longer needed or suited for its purposes, the board or commission, by resolution, or the director of a department or head of an agency, shall declare such real property surplus, and shall transfer it to the custody of the director of public property administration, but the insurance, maintenance and repairs of the property shall continue to be paid for out of the budget appropriation of the transferring department, commission, board or agency until the end of the fiscal year in which the transfer took place, or until the appropriation for such purposes has been transferred to the department of public property administration in the manner provided by Section 6.11 of the Metropolitan Charter, whichever event occurs first.

Notwithstanding the foregoing provisions in this section, any Metropolitan Government owned and operated home or facility for the care of children, whether it be known as Richland Village, the McKay Home, or the Municipal Children's Home as identified in Section 11.1102 of the Metropolitan Charter, shall not be transferred to the custody of the director of public property administration as surplus real property without the approval of the Metropolitan Council by resolution adopted by twenty-one affirmative votes.

B. The director of public property administration, in accordance with the procedures established by rules and regulations, shall make all surplus real property available to the departments, boards and commissions of the

metropolitan government, and shall effect the transfer of such property to the department or other agency requesting its use.

C. 1. When surplus real property, other than school property, is not required by any department or other agency of the metropolitan government, the director of public property administration is authorized, with the approval of the metropolitan council, to sell such property, and the proceeds shall be deposited in the general fund of the district from whose operating budget the last department, commission, board or agency using the real property is financed.

2. When, in the judgment of the board of education, any property held by it is no longer suited or needed for school purposes, the board shall, by resolution, direct the director of public property administration to sell the property in accordance with the established rules and regulations relating to land disposition, subject to the approval of the metropolitan council and the mayor, and the proceeds

from such sale shall be credited to the unappropriated school fund of the metropolitan government.

3. The foregoing provisions to the contrary notwithstanding, when any property held by the board of public education is not used for the purposes for which it was acquired or other educational purposes for eighteen months, such property shall automatically be restored to the board, commission, department or agency of metropolitan government which originally declared such property surplus to allow the transfer to the board of public education. Such transfer shall not require the assent of the board of public education.

D. The director of public property administration is authorized to lease real property of the metropolitan government held by him as surplus or unused property in accordance with such rules and regulations as he may establish consistent with this code and other ordinances of the metropolitan government and the Metropolitan Charter.

E. The provisions of this section relating to land disposition shall not apply to the Nashville Electric Service or the Nashville Housing Authority, which agencies are exempt by Section 8.103(k) of the Metropolitan Charter, or to the Nashville Transit Authority, whose land disposition is provided for by Appendix Four to the Metropolitan Charter.

F. Where land in fee simple is being purchased for purposes other than for rights-of-way for highways, streets, roads, alleys and other places for vehicular traffic, the director of public property administration shall negotiate for the purchase of such property and seek to

obtain from the owner an option to sell to the metropolitan government at a fixed price, subject to the approval of the metropolitan council by resolution, and no purchase shall be consummated until it has been so approved by the metropolitan council. (Ord. 2002-1024 § 1, 2002; Amdt. 1 to Ord. BL2000-517 § 1, 2001; prior code § 2-1-104)

#### **Article IV. (Reserved)**

#### **Article V. Relocation Assistance Program**

##### **2.24.370 Program established—Statutory authority.**

The metropolitan government shall, upon adoption of this section and Section 2.24.380 [October 18, 1988], provide payments and assistance to eligible persons in the amounts and under the conditions set forth in the Uniform Relocation Assistance Act of 1972, as amended by Public Chapter 627, 1988 Acts of the Tennessee General Assembly; provided, however, that under no circumstances shall the metropolitan government or any department or agency thereof be required to provide payments or assistance in any amount under this section to persons displaced from dwellings or business as a result of building or zoning code enforcement activities or a program of rehabilitation of buildings. Any provision contained in this section to the contrary notwithstanding, the total amount of such payments, including moving expenses, shall not exceed the lesser of the amount of ten percent of the acquisition price or five thousand dollars. (Ord. 97-678 § 1, 1997; prior code § 2-1-3.10(a))

##### **2.24.380 Administering agency.**

The metropolitan development and housing agency (“MDHA”) is designated as the agency with responsibility for administering the relocation assistance program established pursuant to this section. The metropolitan county mayor is authorized to enter into a contract or contracts with MDHA pursuant to which MDHA shall perform said responsibility for an amount not to exceed its actual reasonable expenses in administering the program. Upon the execution of such a contract or contracts, MDHA shall adopt rules, regulations and procedures consistent with the provisions of this section which, after being approved by the director of finance, shall be filed with the metropolitan clerk. This section is in no way intended to make the provisions of the Federal Uniform Relocation Assistance Act governing the acquisition of property binding on the metropolitan government. (Prior code § 2-1-3.10(b))

#### **Article VI. (Reserved)**

#### **Chapter 2.28**

#### **FIRE DEPARTMENT**

##### **Sections:**

##### **Article I. Establishment and Operation**

- 2.28.020 General services district fire protection services.**
- 2.28.030 Division of emergency ambulance and rescue service.**
- 2.28.040 Ambulance operation rules and regulations.**
- 2.28.050 Obedience to orders of emergency ambulance and rescue service personnel.**
- 2.28.060 Emergency assistance policies and procedures.**
- 2.28.070 Fire department positions.**
- 2.28.080 Personnel rules and regulations—Purpose and applicability.**
- 2.28.090 Personnel rules and regulations—Copies filed as public records.**
- 2.28.100 Presentation of gun and badge to police-commissioned fire department retirees.**
- 2.28.110 Recognition of citizens’ organizations assisting fire department programs.**
- 2.28.111 Use of the Department of Public Works’ hazardous materials response vehicles for fire prevention, firefighting and the containment of hazardous materials.**

##### **Article II. Fire Marshal and Assistant Fire Marshal**

- 2.28.120 Municipal fire prevention commissioner—Fire marshal authority.**
- 2.28.130 Laws and ordinances—Enforcement authority.**
- 2.28.140 Investigation of fires—Recordkeeping.**
- 2.28.150 Inspection of buildings—Right of entry.**
- 2.28.160 Police powers of fire marshal.**
- 2.28.170 Orders to remedy dangerous conditions—Appeals.**
- 2.28.180 Failure to comply with orders.**

**2.28.210 Assistant fire marshal—Right of entry for inspection.**

**Article III. Auxiliary Emergency Assistance Organization**

**2.28.220 Created—Membership qualifications.**

**2.28.230 Employment status of members.**

**2.28.240 Course of instruction.**

**2.28.250 Duties of members.**

**2.28.260 Access to vehicles.**

**Article I. Establishment and Operation**

**2.28.020 General services district fire protection services.**

The functions of the metropolitan government to be performed, and the governmental services to be rendered throughout the entire general services district shall include fire protection. (Prior code § 16-1-1.1)

**2.28.030 Division of emergency ambulance and rescue service.**

A. There is created within the metropolitan fire department a division of emergency ambulance and rescue service for the purpose of providing emergency ambulance service to the citizens of the metropolitan government.

B. There is hereby imposed upon the metropolitan fire department the power to make all rules and regulations which the metropolitan fire department deems necessary for the proper and safe operation of any ambulance or ambulance operation, whether publicly or privately owned, which rules and regulations shall include, but not be limited to the type of vehicles required, the equipment necessary for each vehicle, the fees to be charged for the transportation of persons in such vehicles, the locations where ambulances are to be stationed, and the means of dispatching such ambulances and the number of vehicles required.

C. All rules and regulations promulgated by the metropolitan fire department for the operation of emergency ambulance service shall be approved by an advisory committee consisting of the metropolitan fire chief, chief of police, deputy fire chief, emergency medical service, director of hospitals, director of finance, a representative from the Nashville Academy of Medicine, director of health, the president of the Nashville Fire Fighters Association, I.A.F.F. Local 763, the EMS division vice-president of the Nashville Fire Fighters Association, I.A.F.F. Local 763, vice-mayor, and a member of the metropolitan council's committee on health, hospitals and social services, or any of their

designated representatives. Upon approval by the advisory committee, the rules shall be submitted to the metropolitan council for approval.

D. The dispatching of all metropolitan emergency ambulances shall be a function of the emergency ambulance section of the metropolitan fire department. It is hereby declared to be unlawful for any ambulance service to respond to any emergency call unless authorized to do so by the dispatcher for the emergency ambulance service. Any violation of this section shall be deemed a misdemeanor and, upon conviction, the person may be fined in an amount not exceeding fifty dollars.

E. In case of a disaster or holocaust, emergency ambulance service will be provided by the funeral directors to back up emergency ambulance service of the metropolitan fire department. In such case, ambulances of the funeral directors will be dispatched by the metropolitan fire chief or his designated representative. (Ord. 96-162 § 1, 1996; Ord. 95-93 § 1, 1995; Ord. 91-100 § 1, 1992; prior code § 16-1-2)

**2.28.040 Ambulance operation rules and regulations.**

The rules and regulations made by the department of fire for the proper and safe operation of any ambulance or ambulance operation, whether publicly or privately owned, and approved by the advisory committee set up and provided for in Section 2.28.030, are approved. (Prior code § 16-1-2.1)

**2.28.050 Obedience to orders of emergency ambulance and rescue service personnel.**

No person shall interfere with or wilfully fail or refuse to comply with any lawful order or direction of any employee of the division of emergency ambulance and rescue service while such employee is engaged in official business. This section shall apply only to those situations where the emergency medical technician is engaged in the care or transport of a patient. (Prior code § 16-1-2.2)

**2.28.060 Emergency assistance policies and procedures.**

A. The metropolitan government authorizes its departments to establish policies and procedures to be followed in requesting and responding to requests for emergency assistance in accordance with the Local Government Emergency Assistance Act of 1987, Public Chapter No. 155.

B. The policy and procedure of the metropolitan fire department, proposing the fire department's policy and procedures to be observed in requesting and responding to

requests for emergency assistance is approved. (Prior code § 16-1-7)

**2.28.070 Fire department positions.**

Reserved.

**2.28.080 Personnel rules and regulations—  
Purpose and applicability.**

A. All rules and regulations of the department of fire pertaining to personnel shall protect such employment status as has been required by the provisions of the Charter of the Metropolitan Government, and nothing in such rules and regulations shall impair or diminish the rights and privileges of employees of the former city of Nashville or of Davidson County under the civil service provisions of the Charter of the Metropolitan Government.

B. Provided, further, that all rules and regulations of the department of fire pertaining to personnel shall protect such status as may hereafter be established by the provisions of the civil service rules and classification and pay plan of the metropolitan government, and nothing in such department's rules and regulations shall impair or diminish the rights and privileges of the employees who may hereafter have civil service status. (Prior code § 16-1-4)

**2.28.090 Personnel rules and regulations—  
Copies filed as public records.**

The director of fire shall cause certified copies of the rules and regulations of the department promulgated in accordance with the metropolitan government Charter and this chapter to be filed with the department of personnel and with the metropolitan clerk, and such rules and regulations shall be a public record. (Prior code § 16-1-5)

**2.28.100 Presentation of gun and badge to  
police-commissioned fire department  
retirees.**

The metropolitan fire department shall make a gift of a gun and badge to all retiring police-commissioned fire department employees who have at least twenty-five years of service upon their retirement. To be eligible to receive the gun and badge, the police-commissioned fire department employee must retire from active service, be in good standing, be eligible to receive a service pension, and have a minimum of five years of such service in a position in the fire department requiring a police commission. (Prior code § 16-1-6)

**2.28.110 Recognition of citizens' organizations  
assisting fire department programs.**

A. The fire chief of the metropolitan fire department is authorized to officially recognize nonprofit organizations

within the metropolitan government area that assist the metropolitan fire department and its firefighters in fire prevention, fire detection and educational programs, and provide assistance beneficial to the metropolitan fire department and its firefighters. Any organization meeting the requirements as set out herein may be recognized by the fire chief and, if so recognized and in compliance with these requirements, may be entitled to the benefits hereunder.

B. The following regulations are adopted and set out for the requirements for recognition as provided in subsection A of this section:

1. The organization, in whatever form, must be not-for-profit;

2. No member of the organization may receive compensation for their services to the organization;

3. The organization may not receive any funding from the metropolitan government;

4. Membership in any such organization must be approved by the fire chief.

C. Any organization formed or approved in compliance with this section may be permitted to donate property or vehicles to the metropolitan government which are used in its programs or services. The metropolitan government shall provide insurance for or permit any such property or vehicles held in the name of the metropolitan government for such programs to be included in the metropolitan government's self-insurance programs.

D. Except as provided in subsection C of this section, and only for such purpose, no organization officially recognized by the fire chief shall be deemed to be an agency, board, department or commission of the metropolitan government, and no member shall be deemed to be an employee or official of the metropolitan government. (Prior code § 16-1-8)

**2.28.111 Use of the Department of Public  
Works' hazardous materials response  
vehicles for fire prevention,  
firefighting and the containment of  
hazardous materials.**

A. The Department of Public Works' hazardous materials response vehicles are authorized to perform on a first response emergency basis in furtherance of the metropolitan government's interests in fire prevention, firefighting and the containment of hazardous materials. The Department of Public Works' hazardous materials response vehicles are designated to be emergency repair vehicles for purposes of Section 12.32.070 of the Metropolitan Code of Laws and are expressly authorized to be equipped with lights that display a red light to the front of the vehicle. These vehicles are also expressly



designated as “emergency firefighting vehicles” for purposes Title 55, Chapter 9, Section 402 of the Tennessee Code Annotated. Public Works shall be authorized to install, and operate red or white lights, or a combination of red and white lights, that display to the front of the hazardous materials response vehicles.

B. The provisions of this section shall not be construed to limit, abridge or otherwise abrogate any other requirement established by any other ordinance concerning the operation of emergency vehicles. However, should the provisions of this section conflict with any other section concerning the operation of emergency vehicles then this section shall prevail. (Ord. 99-1777 § 1, 1999)

## **Article II. Fire Marshal and Assistant Fire Marshal**

### **2.28.120      Municipal fire prevention commissioner—Fire marshal authority.**

The fire marshal shall be deemed a municipal fire prevention commissioner within the meaning of Tennessee Code Annotated, Section 53-2408, and shall make such reports, perform such duties and have and exercise such powers as are conferred by the State Fire Prevention Law upon municipal fire prevention commissioners. (Prior code § 16-1-15)

### **2.28.130      Laws and ordinances—Enforcement authority.**

It shall be the duty of the fire marshal to enforce within Davidson County (except for the city of Goodlettsville) all laws and ordinances relating to:

- A. The prevention of fires;
- B. The storage, sale and use of combustibles and explosives;
- C. The installation and maintenance of automatic or other fire alarm systems and fire-extinguishing equipment;
- D. The construction, maintenance and regulation of fire escapes;
- E. The means and adequacy of exits, in case of fire, from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, and all other places in which numbers of persons live, work or congregate from time to time for any purpose. (Ord. BL2002-1142 § 1, 2002: prior code § 16-1-10)

### **2.28.140      Investigation of fires—Recordkeeping.**

It shall be the duty of the fire marshal to attend fires occurring within Davidson County (except for the city of Goodlettsville), and to make investigation and ascertain the cause, origin and circumstances of all such fires. He

shall keep records, in which he shall record the date of each fire, the place, the character of the building or structure, the name of the owner, lessee or occupant, the amount of loss caused by the fire, the amount of insurance carried on the building, the amount of insurance carried on stock or contents, the cause or origin of the fire, and any other fact ascertained in the course of his investigation, together with the names and addresses of any witnesses thereto. (Ord. BL2002-1142 § 2, 2002: prior code § 16-1-11)

### **2.28.150      Inspection of buildings—Right of entry.**

Upon complaint of any person having an interest in any building or in property adjacent thereto, or without any complaint, the fire marshal shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises in the urban services district. (Prior code § 16-1-12)

### **2.28.160      Police powers of fire marshal.**

The fire marshal and his designees shall have police powers within Davidson County. (Ord. BL2002-1142 § 3, 2002: prior code § 16-1-16)

### **2.28.170      Orders to remedy dangerous conditions—Appeals.**

A. Whenever the fire marshal shall find any building or other structure within the county which, for want of repair or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings, structures or property, or whenever he shall find in any building or structure within the urban services district an improper or dangerous arrangement or condition of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimney, flues and pipes with which the same may be connected, or a dangerous condition or arrangement of lighting devices or system, or a dangerous or unlawful storage of explosives, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, fireworks, ashes, combustibles, inflammables, or refuse materials, or other conditions which, in his opinion, may constitute a dangerous fire hazard, or be liable to cause or promote fire or to create conditions dangerous to the emergency responders or to occupants of the building or to adjoining property, he shall serve an order in writing upon the owner, lessee, occupant or agent of the building for the dangerous condition or arrangement, specified and described in such written order, to be removed or remedied, within a time, not less than five days, to be designated in the order, and such order shall be within the

designated time complied with by the owner, lessee and occupant or agent of such building; provided, that if the owner, lessee, occupant or agent deems himself aggrieved by such order, he may, before the next meeting of the Board of Fire and Building Code Appeals, from the service of such order, appeal to said board, by written petition addressed to the board who shall hear such appeal as soon as it can be conveniently heard, and who may make investigation and hear testimony of any witnesses, and issue subpoena for any witnesses, and who may, upon such hearing, either affirm, modify or revoke the order of the fire marshal. If the order of the fire marshal is affirmed or modified, such order so affirmed or modified shall forthwith be complied with by the owner, lessee, occupant or agent.

B. Every such order in writing issued and served by the fire marshal shall be dated and signed by him, and two carbon copies of such order shall be kept and preserved in an order record book by the fire marshal.

C. Should the fire marshal determine that a change, addition or renovation of a privately owned building or structure is warranted to abate a fire hazard, he shall send written notice by return receipt certified mail to the owner of the building or structure. The fire marshal shall take no official action to require the change, addition or renovation until he has received return of the certified mail indicating that the owner of the property has received notice of the alleged dangerous condition. (Ord. BL2002-1142 § 4, 2002; prior code § 16-1-13)

#### **2.28.180 Failure to comply with orders.**

It is unlawful for any owner, lessee, occupant or agent of any building or premises to fail to comply with the written order of the fire marshal served upon him, or to fail to comply with such order of the fire marshal as affirmed or modified on appeal, as herein provided. (Ord. BL2002-1142 § 5, 2002; prior code § 16-1-14)

#### **2.28.210 Assistant fire marshal—Right of entry for inspection.**

The assistant fire marshal, in aiding and assisting the fire marshal in the discharge of the duties of fire marshal under the ordinances of the metropolitan government and the law, shall have the right at all reasonable hours, for the purposes of examination, to enter into and upon all buildings and premises within Davidson county. (Ord. BL2002-1142 § 7, 2002; prior code § 16-1-19)

### **Article III. Auxiliary Emergency Assistance Organization**

#### **2.28.220 Created—Membership qualifications.**

There is created the Auxiliary Emergency Assistance Organization of the metropolitan fire department, hereinafter referred to as “AEAO.” Members of the AEAO shall be citizens of Davidson County that have filed an application with the chief of the fire department to be members of AEAO and that have completed such instructional course(s) as required by the fire chief. (Prior code § 16-1-31)

#### **2.28.230 Employment status of members.**

Members of AEAO shall be considered “employees” as provided under Tennessee Code Annotated, Section 29-20-107(d), but for that purpose only and no other, and then only when performing such duties as requested by the chief of the fire department. (Prior code § 16-1-35)

#### **2.28.240 Course of instruction.**

The fire chief shall establish a course(s) of instruction to be taken by all members of AEAO, designed to instruct such members as to the duties of AEAO members. Safety precautions to be observed by members and defensive driving courses for those members authorized to drive nonemergency equipment belonging to the fire department. (Prior code § 16-1-32)

#### **2.28.250 Duties of members.**

The duties of AEAO members shall be as set out below or as established by regulation of the fire chief:

A. Maintain additional safety clothing, such as gloves, hoods and boots, for use by firefighters when their clothing gets wet or is damaged;

B. Provide refreshments for firefighting personnel during resting periods at fire and other emergency scenes;

C. Provide an area for firefighters who become exhausted or overcome by heat and smoke to rest;

D. Service as a shuttle unit to transport firefighters to the fire scene at shift changes. (Prior code § 16-1-33)

#### **2.28.260 Access to vehicles.**

AEAO shall have access to and use of such nonemergency vehicles as maintained by the department and as authorized by the fire chief. AEAO shall not, at any time, be authorized to operate or run emergency equipment. (Prior code § 16-1-34)

## Chapter 2.32

### DEPARTMENT OF GENERAL SERVICES

#### Sections:

- 2.32.010 Created—Organization and membership.**
- 2.32.020 Director—Powers, duties and compensation.**
- 2.32.030 Department powers, functions and personnel.**
- 2.32.040 Director—Determination of section and unit functions.**
- 2.32.050 Mayor's authority to resolve controversies.**

**2.32.010 Created—Organization and membership.**

There is created a department of general services, which shall consist of a director and such other officers and positions of employment as may be provided by the provisions of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72, or as may be subsequently provided by ordinance. (Prior code § 2-1-36)

**2.32.020 Director—Powers, duties and compensation.**

The director of the department of general services shall be responsible for and perform the executive functions of the department. (Ord. 90-1339 § 1 (2-8), 1990: prior code § 2-1-37)

**2.32.030 Department powers, functions and personnel.**

The department of general services shall have transferred to it the powers, functions and personnel as follows:

A. The functions, duties, powers, personnel and positions, records, personal property and equipment formerly vested in the motor pool section of the division of public property administration;

B. The functions, duties, powers, personnel and positions, records, personal property and equipment formerly vested in the maintenance section of the division of public property administration, which has heretofore been concerned with the care and maintenance of public buildings under its control and unless otherwise provided in this code, shall also be responsible for the erection, construction, equipping, maintenance and operation of all public buildings;

C. The functions, duties, powers, personnel and positions, records, personal property and equipment formerly vested in the equipment division of the public works department for the operation of garages and service centers for the repair of automotive equipment other than heavy equipment;

D. All control and supervision of mailing, central duplicating, printing and messenger services;

E. All control and supervision of storerooms services shall be vested in the purchasing agent of the metropolitan government. (Ord. 96-376 § 1, 1996; prior code § 2-1-38)

**2.32.040 Director—Determination of section and unit functions.**

The director of the department of general services shall determine the functions of the various sections and units. (Prior code § 2-1-39)

**2.32.050 Mayor's authority to resolve controversies.**

A. All questions and problems arising under this chapter concerning the status of employees transferred in accordance with this chapter and concerning the organization of the department of general services shall be determined by the mayor.

B. In case of controversy between two or more departments or agencies as to all matters and things involved in the transfer of functions, personnel, records, equipment or unencumbered balance of appropriations to the general services department, the mayor shall resolve such controversies in the manner in which he may direct. (Prior code § 2-1-40)

## Chapter 2.36

### HEALTH DEPARTMENT

#### Sections:

- 2.36.010 Definitions.**
- 2.36.020 Department powers and duties generally.**
- 2.36.030 Consistency with federal and state law.**
- 2.36.040 Liberal construction of provisions.**
- 2.36.050 Computing ratios of personnel and facilities for numbers of persons.**
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- 2.36.070      Inspection—Charitable institutions, jails and other metropolitan institutions confining persons.**
- 2.36.080      Medicine for indigent persons.**
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- 2.36.100      Nuisances designated—Abatement authority.**
- 2.36.110      Seizure, embargo, condemnation and disposal of prohibited materials.**
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- 2.36.130      Records and proceedings—Public inspection authorized when.**
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- 2.36.170      Tearing down or mutilating official notices.**
- 2.36.180      Interfering with or obstructing department personnel.**
- 2.36.190      Violation of orders prohibited.**

**2.36.010      Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Chief medical director” means the chief administrative officer of the board of health, or his designated representative.

“Department of health” means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities. (Prior code § 20-1-1)

**2.36.020      Department powers and duties generally.**

A. The department of health may inspect any premises, matter or thing within its jurisdiction, including, but not limited to, any premises where an activity regulated by this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 is carried on, and any record required to be kept pursuant to this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72.

B. In order to determine whether the provisions of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 or provisions of other law which the department of health has the duty to enforce are being complied with, the department of health may investigate or authorize the investigation to be made of any matter, incident, thing, person or event within its jurisdiction, utilizing all of the investigative powers granted by the Metropolitan Charter.

C. Subject to the provisions of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72, or other applicable law, the department of health may take such action as may become necessary to assure the maintenance of public health, the prevention of disease, or the safety of the metropolitan government and its residents. The chief medical director, subject to the directions of the board of health, may establish procedures to be followed during an emergency declared by the board of health to insure the continuation of essential public health services and enforcement. Emergency procedures shall not be limited to the provisions of this chapter. Such procedure may include the reporting of births, fetal deaths and deaths when the normal procedures, as established by applicable law, cannot be met, but this provision does not relieve any person required to file such reports from complying with the appropriate requirements after the emergency period has passed. (Prior code § 20-1-2)

**2.36.030      Consistency with federal and state law.**

This chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 are intended to be consistent with applicable federal and state law, and shall be construed, whenever necessary, to achieve such consistency. (Prior code § 20-1-17)

**2.36.040      Liberal construction of provisions.**

This chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 shall be liberally construed for the protection of the health and safety of the people of the metropolitan government. (Prior code § 20-1-18)

**2.36.050      Computing ratios of personnel and facilities for numbers of persons.**

When, in this chapter or Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 a requirement for personnel or facilities is expressed in terms of a ratio of at least so many personnel or so many facilities required for so many persons, places or things, and when the actual number of persons, places or things

affected by the requirements is less than or is a fractional part of the number specified in the ratio, then the requirements shall apply also to such lesser number or fractional part of the number specified of such persons, places or things. (Prior code § 20-1-16)

**2.36.060 Inspection—Premises providing services to children.**

Without limitation of the department of health's general power to inspect pursuant to Section 2.36.020, a building, premises or other place where a child under sixteen years of age who receives care, instruction, education, recreation or other service while not under the supervision of a parent, stepparent or grandparent, may be inspected by the department of health at a reasonable time in order that the health and safety of children may be protected. (Prior code § 20-1-4)

**2.36.070 Inspection—Charitable institutions, jails and other metropolitan institutions confining persons.**

Without limitation of the department of health's general power to inspect pursuant to Section 2.36.020, the department of health shall inspect all charitable institutions and all jails and other institutions of the metropolitan government where sick, insane, destitute or other persons are confined. The department of health may cause any person convicted of violating any law or ordinance and who is confined or who is on parole to be examined as to the causes contributing to the delinquency, and shall make and keep a record of such examinations. (Prior code § 20-1-6)

**2.36.080 Medicine for indigent persons.**

A. The board of health is authorized and directed to establish a program for providing medicine to medically indigent persons residing within the boundaries of the metropolitan government, such program to be operated within the annual budget appropriation designated for this purpose, and to this end the board of health shall establish rules and regulations for the administration of this program, including rules governing the formulary of drugs to be provided and the method of establishing those entitled to the benefits of this program.

B. The director of finance is authorized to pay bills submitted to him for medicine furnished the medically indigent. Such bills shall be paid by the director of finance from the annual budget appropriation established for the medically indigent program, but no such bill shall be paid by the director of finance unless it is approved by the board of health or by an official designated by the board

and authorized to review and approve such bills. (Prior code § 20-1-7)

**2.36.090 Pauper burials.**

The board of commissioners of the metropolitan social services is authorized and directed to establish a program for the burial of indigent persons residing within the boundaries of metropolitan government, such program to be operated within the annual budget appropriation designated for this purpose, and to this end the board of commissioners of the metropolitan social services shall establish rules and regulations for the administration of this program, including proper purchasing procedures consistent with the established purchasing procedures of the purchasing department of the metropolitan government and the method of establishing those entitled to the benefits of the program. (Prior code § 20-1-7.1)

**2.36.100 Nuisances designated—Abatement authority.**

A. No person shall commit or maintain a nuisance, as defined by statutory law, common law or equity, and no person shall allow such a nuisance to exist or be created in respect of any matter, thing, chattel or premises which he owns or controls. It shall be the duty of the chief medical director to inspect or cause to be inspected all lots, grounds, suspected cellars, premises, possession, streets, lanes and alleys within the metropolitan government area; and whenever he shall be of the opinion that any of such lots, grounds, suspected cellars, premises, possessions, street, lanes or alleys are in a state of nuisance or in such a condition that the existence of a nuisance thereon or therein is imminent and the health of the citizens endangered, he shall notify or cause to be notified, the owner or occupier of such lots, grounds, suspected cellars, premises or possessions, and the owner or occupier of the property fronting on such streets, lanes or alleys, or his agents, shall have such nuisance or the cause of such nuisance removed and abated within a reasonable time prescribed in such written notice; and if the owner or occupier or his agents shall neglect or refuse to comply with the terms of such notice, the chief medical director, upon the expiration of the terms set out in the notice, is hereby empowered to remove such nuisance or cause of such nuisance, utilizing either the services of some agency of the metropolitan government or of some private agency, at the expense of such owner or occupier, their liability being joint and several.

B. The cost of removing such nuisance or the cause of such nuisance may be recovered by the chief medical director, in the name of the metropolitan government, from the owner or occupier, by suit if necessary. The chief

medical director may cause the amount of the bill for removing such nuisance to be certified to the metropolitan trustee, and the same shall constitute a lien upon the property for which the expenditure is made, which lien may be enforced by suit in the chancery court, as are other similar liens.

C. In addition thereto, such owner or occupier, who shall neglect and refuse to comply with the terms and conditions of such notice, shall be guilty of a violation of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72.

D. In the event that such owner or occupier should feel aggrieved at any decision of the chief medical director in this regard, such aggrieved party shall, within seventy-two hours from receipt of the written notice for the abatement of the nuisance, file at the office of the board of health a written request for a hearing by the board, which request may be informal and need not set out the contentions of the aggrieved party. The board of health shall promptly hold a hearing to review the action of the chief medical director in this regard, and may affirm, amend or set aside such action. No implementation of the order of the chief medical director for the abatement of the nuisance shall be effected pending any hearing by the board of health.

E. Whenever any person shall be in actual possession of or have the charge, care or control of any property within the metropolitan government area, as executor, executrix, administrator, administratrix, trustee, guardian, agent or conservator, such person shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72, and shall be bound to remove all nuisances from such property in the same manner and under the same penalties as if such person were actually the owner of such property, and notice to any such person of any order of the chief medical director shall be deemed and taken to be as good and sufficient notice as if such person were actually the owner of such property.

F. None of the remedies for the abatement of nuisances set out in this section shall be deemed to be exclusive, precluding the department of health from seeking an injunction in equity.

G. In determining a reasonable time to abate nuisances as set forth in subsections A through E of this section, the department of health shall give the property owner or occupier at least ten days to abate the nuisance, unless the nuisance poses an immediate serious threat to the health of the inhabitants of the property or surrounding property. "Immediate threat" shall be defined as a condition that will

or is likely to cause serious physical injury to humans or animals. (Prior code § 20-1-8)

### **2.36.110 Seizure, embargo, condemnation and disposal of prohibited materials.**

A. When, in the opinion of the department of health, a food, drug, device, cosmetic, article or thing is unfit for consumption or use, or is in a condition, or is of a kind, weight, quality or strength prohibited by this chapter, or is not labeled as required by this chapter, or contains false or misleading labeling, or is adulterated or misbranded or otherwise constitutes a danger or is prejudicial to the public health, the department of health may seize, embargo or condemn such material. The department of health may destroy, render harmless or otherwise dispose of all seized, embargoed or condemned material, or may direct the owner or person in control thereof to do so. When the department of health determines that embargoed material consists in part of materials which are not in violation of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72, and which may be salvaged, or that embargoed materials or any part thereof can be brought into compliance with this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72, the department shall permit the owner or person in control, unless the public health otherwise requires, to separate the salvable portions, or to bring such materials into compliance with this chapter at the place of embargo, or other place acceptable to the department, in a manner directed by the department. When seized, embargoed or condemned material is disposed of by the department of health otherwise than by destruction, it shall be returned to the owner or person in control after it has been rendered harmless. All activities carried on pursuant to this subsection shall be done in a manner consistent with the maintenance of the public health, giving due regard to the property rights of the owner or person in control of the affected material.

B. Except where the public health requires immediate action, the department of health shall not seize, embargo, condemn, destroy, render harmless or otherwise dispose of any material pursuant to subsection A of this section until the owner or person in control is notified by an effective means of communication and is given an opportunity for a hearing before the board of health. Written notice of such a hearing shall be delivered by the department of health to the person affected not less than five days prior to the hearing. (Prior code § 20-1-3)

**2.36.120 Enforcement—Procedures other than prosecution or compulsory means.**

In lieu of enforcement of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 by way of prosecution, recovery of civil penalties, revocation of permits, seizure, embargo and condemnation, and other compulsory means, the department of health may seek to obtain the voluntary compliance with this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 by way of notice, warning or other educational means. This section does not, however, require that such noncompulsory methods be used before proceeding by way of compulsory enforcement. (Prior code § 20-1-10)

**2.36.130 Records and proceedings—Public inspection authorized when.**

A. A person may inspect or authorize his attorney or representative to inspect a paper, file, record or proceeding of the department of health in which he has a personal right or interest. Application for inspection shall be made by submitting an affidavit to the department of health, describing the personal right or interest of the person. The attorney or representative of a person, in addition, shall submit proof of his authority. Inspection shall be permitted during such times and at such places as the department of health may prescribe.

B. This section does not authorize the inspection of any record or report which, pursuant to a provision of any law, is to be confidential, not subject to subpoena or inspection, or which is otherwise limited in its use or dissemination. (Prior code § 20-1-15)

**2.36.140 Review of decisions of the chief medical director.**

A. Pursuant to Item 4 of Section 10.104 of the Metropolitan Charter, the board of health shall hear and act upon complaints of persons affected by decisions of the chief medical director, and amend or set aside such decisions as are contrary to policies or regulations of the board. The concurring vote of three members of the board of health shall be necessary to amend or set aside any order, requirement, decision or determination of the chief medical director. Except in specific instances where a shorter period is specified, an appeal to the board of health shall be taken within thirty days after the date of the complained of action of the chief medical director. Such an appeal may be perfected by the filing of an informal written request for a hearing before the board. The aggrieved party shall be granted a public hearing before the board of health, and he may appear in his own behalf or be represented by counsel or agent. The aggrieved

party's side of the matter shall first be heard, and subsequently, the chief medical director or other personnel of the department of health shall present their side, and both sides shall be permitted to introduce any relevant and competent evidence bearing on the issue.

B. Seven days' notice of the hearing before the board of health shall be sent by mail to the aggrieved party, unless in specific instances herein a shorter period is specified. Such notice shall be sent by registered mail to the address given by the aggrieved party in his request for a hearing.

C. The final disposition of any such complaint shall be in the form of a resolution, which shall affirm, amend or set aside the decision of the chief medical director. No request to grant a rehearing of such decision of the board of health shall be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If justifiable grounds for a rehearing exist, they shall be made known by a communication to the board of health presented to the board in written form, and if a motion to grant a rehearing shall receive three affirmative votes on the board, then the petitioner shall be notified to appear before the board on a date set by the board, of which he shall be notified. (Prior code § 20-1-9)

**2.36.150 Unauthorized reproduction or alteration of department documents.**

No person shall reproduce or alter, or cause to be reproduced or altered a permit, report, certificate or other paper issued by the department of health or any agent thereof, if the purpose of such reproduction or alteration is the evasion or violation of any provision of this chapter and Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72 or any other law. (Prior code § 20-1-14)

**2.36.160 False or misleading statements in documents or reports.**

No person shall make a false, untrue or misleading statement, or forge the signature of another, on a certificate, application, registration, report or other document required by the department of health. No person shall make a false, untrue or misleading oral statement to the department of health as to any matter investigated by the department. (Prior code § 20-1-13)

**2.36.170 Tearing down or mutilating official notices.**

No person shall mutilate, obstruct, tear down or remove any notice of the department of health unless authorized to do so by the department of health or by this chapter or

Chapters 6.16, 6.60, 10.04, 10.08, 10.12, 10.16, 10.20, 10.32 through 10.52 and 15.72. (Prior code § 20-1-12)

**2.36.180 Interfering with or obstructing department personnel.**

No person shall interfere with or obstruct department of health personnel in carrying out an inspection, survey or examination, or in the performance of any other duty for the department of health. (Prior code § 20-1-11)

**2.36.190 Violation of orders prohibited.**

It is unlawful for any person to violate an order of the board of health or of the chief medical director. (Prior code § 20-1-5)

**Chapter 2.38  
MEDICAL EXAMINER'S OFFICE**

**Sections:**

**2.38.010 Office created.**

**2.38.020 Duties.**

**2.38.030 Personnel.**

**2.38.010 Office created.**

The medical examiner's office of the metropolitan government is established as a separate department of the metropolitan government. The medical examiner's office of the metropolitan government shall be under the management and control of the medical examiner of the metropolitan government. The medical examiner of the metropolitan government shall have the qualifications and be selected as provided in Tennessee Code Annotated Section 38-7-104. (Ord. 95-1449 § 1, 1995: Ord. 94-1055 § 1, 1994)

**2.38.020 Duties.**

The duties of the medical examiner's office of the metropolitan government shall include, but shall not be limited to: (1) investigate deaths that occur within the boundaries of the metropolitan government in accordance with Tennessee Code Annotated Title 38, Chapter 7, post-mortem examinations; (2) prepare reports on each case; (3) transmit copies of reports to the district attorney general and/or the investigating agency involved; (4) be available for and provide testimony as needed in all criminal courts in the metropolitan government on all cases accepted for investigation; (5) provide autopsies, as required to complete investigations, performing all services needed in the autopsy examination and providing a report to the division of post-mortem examinations; (6) retain toxicology samples for analysis by the appropriate investigating agency; (7) provide forensic science

consultations with all law enforcement agencies within the boundaries of the metropolitan government, including all municipalities; (8) provide investigative consultation to all law enforcement agencies regarding all homicides and suspected homicides within the boundaries of the metropolitan government; (9) provide photographic documentation of all wounds, marks and scars that are of forensic significance on all cases examined; (10) retain for delivery to proper authorities all evidence obtained as a result of any examination or autopsy; and (11) perform any and all other functions needed in order to successfully complete the above duties and any other duties assigned by ordinance. (Ord. 95-1449 § 2, 1995: Ord. 94-1055 § 2, 1994)

**2.38.030 Personnel.**

All employees of the medical examiner's office of the metropolitan government, other than those hired pursuant to contract, shall be in the classified service as contemplated by the provisions of Article 12 of the Metropolitan Charter, and as administered by the metropolitan civil service commission. Current employees of the county medical examiner's office shall be transferred to the medical examiner's office of the metropolitan government, subject to the approval of the metropolitan civil service commission. (Ord. 95-1449 § 3, 1995: Ord. 94-1055 § 3, 1994)

**Chapter 2.40**

**DEPARTMENT OF LAW**

**Sections:**

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Metropolitan attorney powers and  
duties—Docket of suits.**

**2.40.020 Assistant metropolitan attorneys.**

**2.40.030 Court stenographer and brief  
printer.**

**2.40.040 Representation of metropolitan  
government outside metropolitan  
government area—  
Reimbursement for expenses.**

**2.40.050 Execution of bonds for costs,  
judgments and other actions.**

**2.40.060 Updating statutory references in  
metropolitan code of laws.**

**2.40.070 Eligibility for employment  
contracts—Term of contract.**

**2.40.080 Delinquent tax reports transmitted  
to department.**



- 2.40.090**      **Division of tax litigation.**
- 2.40.100**      **Settlement of claims against metropolitan government.**
- 2.40.110**      **Settlement of claims for damage to metropolitan government property.**
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**Article II. Employee Defense and Indemnification**

- 2.40.120**      **Employee defined.**
- 2.40.130**      **Defense counsel to employees—Conditions and procedures.**
- 2.40.140**      **Employee indemnification authorized when.**

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**Article I. General Regulations**

- 2.40.010**      **Control of department—Metropolitan attorney powers and duties—Docket of suits.**

It shall be the duty of the metropolitan attorney, with the assistance provided for him, to take control of and appear for and represent the metropolitan government in all suits in any of the courts of record. He shall keep a docket of all suits, in which each case shall be entered by its proper title, the court in which it is pending, the names of all the parties, the nature and character of the case and such information as may be important to be known in regard thereto. He shall deliver such docket to his successor in office or, if there be no successor, to the mayor. (Prior code § 2-1-7)

- 2.40.020**      **Assistant metropolitan attorneys.**

Two positions of assistant metropolitan attorney, in addition to the four positions of assistant metropolitan attorney created by Section 8.605 of the Metropolitan Charter, are created pursuant to Section 8.605 of the Metropolitan Charter. The metropolitan attorney is authorized to hire and appoint the two additional assistant

metropolitan attorneys, subject to the approval of the mayor. (Prior code § 2-1-15)

- 2.40.030**      **Court stenographer and brief printer.**

The metropolitan attorney is authorized to employ the services of a first-class stenographer or court reporter, whenever necessary, for the purpose of taking down in writing all evidence in any suit now pending or that may hereafter be brought against the metropolitan government or in which the metropolitan government is or may become a party, and likewise to take down any charge or order made or delivered by the court in such suits. The metropolitan attorney is likewise authorized to have briefs printed in any case wherein the metropolitan government is involved. Such stenographer or court reporter and such brief printer shall be paid his right and just charges for the services he performs, out of the metropolitan government treasury, upon the presentation of a bill for his services, duly approved by the metropolitan attorney. (Prior code § 2-1-10)

- 2.40.040**      **Representation of metropolitan government outside metropolitan government area—Reimbursement for expenses.**

It shall be the duty of the metropolitan attorney or one of his assistants designated by him to attend in person to any business of the metropolitan government to be transacted in court, or otherwise, beyond the limits of the metropolitan government area, and his traveling or other incidental expenses arising legitimately from such metropolitan government business shall be paid out of the metropolitan government treasury. (Prior code § 2-1-9)

- 2.40.050**      **Execution of bonds for costs, judgments and other actions.**

The metropolitan attorney and the deputy metropolitan attorney are authorized to execute, on behalf of the metropolitan government, as principal, any and all bonds for costs, judgments, injunction bonds or any other bonds required to be made in connection with litigation in which the metropolitan government or its officers, commissions, boards or agencies are concerned in their official capacity. (Prior code § 2-1-8)

- 2.40.060**      **Updating statutory references in metropolitan code of laws.**

The metropolitan attorney is authorized from time to time to update references to sections of Tennessee Code Annotated appearing in the Metropolitan Code of Laws when such sections are renumbered, such updated refer-

ence to be approved by resolution. (Ord. 90-1339 § 1(2-1), 1990: prior code § 2-1-8.1)

**2.40.070 Eligibility for employment contracts—Term of contract.**

A. All attorneys employed by the metropolitan government pursuant to Article 8, Chapter 6 of the Metropolitan Charter shall be eligible to contract with the metropolitan government for legal services subject to the qualifications and requirements of subsection B of this section.

B. Any attorney, as defined in subsection A of this section, shall meet the following qualifications to be eligible to contract with the metropolitan government for legal services:

1. Two years' practice in municipal law with the metropolitan government;

2. The attorney must receive the approval of the director of law, the mayor, and the metropolitan council. Approval by the metropolitan council shall be by resolution setting forth the terms and conditions of the contract. The contract authorized herein shall under no circumstances exceed two years in length.

C. This section shall apply only to attorneys of the metropolitan government as defined in subsection A of this section and shall not apply to private attorneys employed by the metropolitan council of the metropolitan government pursuant to Section 8.607 of the Metropolitan Charter. (Prior code § 2-1-15.2)

**2.40.080 Delinquent tax reports transmitted to department.**

It shall be the duty of the metropolitan trustee to transmit to the department of law a balanced and reconciled report of all real property taxes or tax equivalents due the metropolitan government for the general services district and the urban services district, which taxes or tax equivalents have become six months' delinquent. Prior to such transmittal, there shall be an internal audit by the division of accounts. (Prior code § 2-1-13)

**2.40.090 Division of tax litigation.**

A. There shall be a division of tax litigation, under the direction and supervision of the metropolitan attorney or such deputy or assistant as the metropolitan attorney, in his discretion, may direct.

B. It shall be the duty of the department of law, in and through the division of tax litigation, to obtain from the metropolitan trustee a balanced and reconciled report of delinquent real property taxes or tax equivalents of the general services district and the urban services district as otherwise provided in the Metropolitan Charter or by ordinance. In accordance with rules and regulations to be

established by the metropolitan attorney, the department of law shall make every reasonable effort to collect such delinquent taxes or tax equivalents, and it shall be the duty of the department of law, in and through the division of tax litigation, to prepare and file all suits for the collection of delinquent real property taxes or tax equivalents due the metropolitan government for the general services district and the urban services district, and to proceed to collect such delinquent real property taxes or tax equivalents in accordance with the provisions of the Metropolitan Charter, together with such other authority as may be provided by the general law, private act or ordinance.

C. In the division of tax litigation, there shall be a chief clerk and such clerical assistants as the metropolitan attorney, with the approval of the mayor, may determine necessary. The back-tax clerk of the former county attorney shall be the first chief clerk of this division.

D. The personnel of the division of tax litigation shall, under the supervision of the metropolitan attorney, prepare the necessary court pleadings for tax suits, distress warrants, decrees and other documents necessary and proper for the prosecution of tax litigation and the maintenance of office records with regard thereto. (Prior code § 2-1-14)

**2.40.100 Settlement of claims against metropolitan government.**

The metropolitan attorney is authorized to settle any property damage claim against the metropolitan government for an amount not in excess of fifteen thousand dollars, and any other type of claim against the metropolitan government for an amount not in excess of five thousand dollars. (Amdt. 1 to Ord. 96-154, 1/16/96; Ord. 96-154 § 1, 1996)

**2.40.110 Settlement of claims for damage to metropolitan government property.**

The department of law is authorized to settle all claims for damages to metropolitan government property caused by the negligent or unlawful acts of others, if the amount of such claim does not exceed five thousand dollars. Upon settlement of such claims, the proceeds derived therefrom shall be paid into the metropolitan government treasury in accordance with the procedure established by the Charter or the director of finance pursuant thereto. (Prior code § 2-1-12)

**2.40.115 Report of judgments entered against the metropolitan government.**

The metropolitan attorney shall report to the metropolitan council all judgments entered against the metropolitan government within thirty days from the date that the judgment becomes final. Such report shall include,

but not be limited to, the style of the case, the docket number, the amount of the judgment, and a summary of the facts giving rise to the lawsuit. (Ord. BL2004-428 § 1, 2004)

## **Article II. Employee Defense and Indemnification**

### **2.40.120 Employee defined.**

“Employee,” as used in this article, means and includes any official, whether elected or appointed, officer, employee, or any member of a board or commission of the metropolitan government. (Prior code § 32-1-85)

### **2.40.130 Defense counsel to employees— Conditions and procedures.**

A. The metropolitan government authorizes its department of law to furnish defense counsel to any employee sued for damages for an act or omission arising out of the performance of his official duties and while engaged in the course of his employment for the metropolitan government; provided the employee promptly notifies the department of law when suit is served upon him, makes a request for defense counsel, and cooperates with the defense counsel furnished, and provided, further, there is no insurance coverage protecting the employee from such damages to the amount as provided hereafter in this section.

B. In those civil actions wherein:

1. The metropolitan government and one or more of its employees are defendants, or two or more employees are defendants; and

2. The director of law determines that a conflict exists between the interests of the metropolitan government and its employee, or between employees, to the extent that representation of the employee by the department of law would violate Canon 5 of the Code of Professional Responsibility, as adopted by Rule 8 of the Tennessee Supreme Court Rules; and

3. The employee would otherwise be entitled to the defense provided for in subsection A of this section; then the employee shall be entitled to employ counsel as provided for in subsection C of this section.

C. In those matters where an employee, as defined in subsection A, is entitled to retain counsel under subsection B of this section, the director of finance in consultation with the director of law shall authorize reimbursement to the employee of the reasonable fees and expenses incurred in his defense. The director of finance in consultation with the director of law, shall promulgate regulations concerning reimbursement of fees and expenses including, but not limited, to the hourly rate, the nature and timing of billing,

and requirements for prior approval for extraordinary expenses. (Ord. 93-578 § 1, 1993; prior code § 32-1-86)

### **2.40.140 Employee indemnification authorized when.**

A. The metropolitan government is authorized to indemnify an employee from a judgment against him to an amount as provided hereafter if:

1. The judgment results from an act or omission arising out of the performance of his official duties and while engaged in the course of his official duties, and while engaged in the course of his employment with the metropolitan government, and does not result from wilful, wanton or malicious wrongdoings, violations of departmental rules, or violations of orders and rules of the metropolitan government; and

2. The department of law has furnished defense counsel to the employee and the employee has cooperated with the defense counsel.

B. The director of law and head of the department, board, commission or agency in which the employee is employed shall have the discretion to determine whether or not the authority to indemnify an employee as set out in subsection A of this section shall be exercised. Additionally, the director of law and the head of the department, board, commission or agency in which the employee is employed shall have the discretion to determine what amount, if any, an employee may be indemnified, subject to Section 8.103(e) of the Metropolitan Charter, but in no event shall such indemnity exceed the amount of fifty thousand dollars for each person injured or property damaged in one incident or accident, and one hundred thousand dollars for all personal injuries and property damage in one incident or accident. (Prior code § 32-1-87)

## **Article III. Risk Management**

### **2.40.150 Direction—Functions and divisions designated.**

A. The functions of the department of risk management, as set out in Ordinance 81-569, are placed under the department of law under the direction of the director of law. The functions previously performed by the department of risk management shall be divided into two divisions in the department of law:

1. The claims division; and

2. The insurance division.

B. The claims division shall be under the direction of the director of law or such attorney or attorneys in the department of law as he shall direct. The insurance division shall be under the direction of an individual appointed by the director of law, subject to the approval of the

mayor, who shall have experience in the insurance field as determined by the job description for that position.

C. The head of the insurance division shall make his reports and recommendations to the metropolitan county mayor, such reports and recommendations being addressed to the metropolitan county mayor and forwarded to the metropolitan county mayor by the director of law. The two divisions shall consist of such employees as may be provided herein and allowed by subsequent budget appropriations. (Ord. 95-1446 §§ 1, 2, 1995; prior code § 2-1-15.3(a))

#### **2.40.160 Positions and personnel.**

All positions and personnel assigned to the department of risk management shall be transferred to the department of law on October 18, 1983, the effective date of this section. (Prior code § 2-1-15.3(b))

#### **2.40.170 Appointment of employees.**

The director of law shall appoint all employees to the two divisions. All clerical positions shall be civil service positions. All professional positions shall be non-civil service positions if so stated in the ordinance creating the position, otherwise such positions shall be civil service positions. (Prior code § 2-1-15.3(c))

#### **2.40.180 Allocation of funds.**

The director of finance and the budget officer are authorized to provide, as a basis for budgetary operation for the 1983-1984 fiscal year, to the department of law any appropriation and allocated balances in the 1983-1984 budget that may have previously been designated to the department of risk management. (Prior code § 2-1-15.3(d))

#### **2.40.190 Powers, duties and responsibilities.**

The duties, responsibilities and authority formerly assigned to the department of risk management and now transferred to the department of law include, but shall not be limited to:

A. Direct the risk and loss-prevention measures of all departments and agencies of the metropolitan government by identifying areas having risk and loss potential; analyze and evaluate risk and loss exposure and determine alternate methods of handling them; establish a reporting system of identified risk and loss areas to the various departments and agencies;

B. Purchase insurance where necessary in accordance with the purchasing procedures of the metropolitan government, except in those areas where purchasing procedures are expressly exempted by state statute; assist the division of purchasing in the development of bid specifications when insurance and surety bonds are bid;

advise the purchasing agent in the placement of all insurance and bond coverages;

C. Conduct inspections and establish loss-prevention programs;

D. Centralize all casualty and property insurance programs of the metropolitan government; consult with and advise the various departments and agencies on all aspects of property and casualty insurance; develop and maintain levels of retention for those areas where insurance coverage is purchased;

E. Determine those areas where self-insurance is advisable; design, subject to the approval of the director of finance, any self-insurance programs, and administer such programs;

F. Review all contracts and leases to determine risk and loss exposure to the metropolitan government and recommend methods of risk and loss transfer or risk and loss avoidance;

G. Maintain all records necessary for effective risk and loss management and insurance management, including but not limited to copies of policies, loss and claims reports and loss statistics, and review all contracts and leases where loss exposure exists;

H. Investigate claims made on behalf of the metropolitan government and claims made against the metropolitan government;

I. Cooperate with the department of finance on matters dealing with funds and/or funding in the processing of claim settlement drafts. (Ord. 95-1446 § 3, 1995; prior code § 2-1-15.3(e))

#### **2.40.200 Administrative memorandums of understanding.**

The department of law, by and through the director of law, shall have authority to enter into memorandums of understanding with other metropolitan agencies for the administration of the insurance, self-insurance, claims and safety programs of other agencies when so requested by other agencies. Any fees derived by the department of law for providing these services shall be paid into the general fund of the general services district. All memorandums of understanding entered into by the department of risk management are transferred to the department of law. (Prior code § 2-1-15.3(f))

### **Chapter 2.44**

## **POLICE DEPARTMENT**

### **Sections:**

#### **Article I. General Regulations**

#### **2.44.010 Establishment and composition.**

- 2.44.020 Powers, duties and responsibilities.**
- 2.44.030 Divisions and bureaus of the department—Police chief authority.**
- 2.44.040 Zones, districts or precincts established—Assignment of personnel.**
- 2.44.050 In-service training program.**
- 2.44.060 Extra compensation for certain personnel.**
- 2.44.070 Meter maid patrol.**
- 2.44.080 Photocopying fees for police reports.**
- 2.44.090 Special police commissions, security guard directives, and handgun permits/written directives.**
- 2.44.100 Special police commission—Qualifications for issuance to officers of other cities.**
- 2.44.110 Presentation of gun and badge to retiring officers.**

#### **Article II. School Mothers' Patrol Division**

- 2.44.120 Created.**
- 2.44.130 Supervision—Limitations on police authority.**
- 2.44.140 Rules and regulations applicable to personnel—Exceptions—Appointment of new members.**
- 2.44.150 Qualifications for employment.**
- 2.44.160 Duties of personnel.**
- 2.44.170 Suspension, disciplinary action and dismissal—Employee rights.**

#### **Article III. Combat Auto Theft (CAT) Program**

- 2.44.180 Authorization—Administration.**
- 2.44.190 Acceptance of funds.**
- 2.44.200 Use of funds.**

#### **Article IV. Extra-Duty Police Officers**

- 2.44.210 Contracting to assign extra-duty police officers.**

### **Article I. General Regulations**

#### **2.44.010 Establishment and composition.**

There is established a department of metropolitan police, which shall consist of a director thereof, who is designated chief of police, and such other officers and employees of such ranks and grades as are established by this article. (Prior code § 34-1-5)

#### **2.44.020 Powers, duties and responsibilities.**

A. The department of metropolitan police shall be responsible within the area of the metropolitan government

for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights, and enforcement of laws of the state and ordinances of the metropolitan government.

B. The director and other members of the metropolitan police force are vested by Section 8.202 of the Metropolitan Charter with all the power and authority belonging to the office of constable by the common law, and also with all the power, authority and duties which by statute may now or hereafter be provided for police and law enforcement officers of counties and cities, and they shall exercise this power and authority to diligently and effectively discharge the duties, responsibilities and functions of the department of metropolitan police. (Prior code § 34-1-6)

#### **2.44.030 Divisions and bureaus of the department—Police chief authority.**

A. The chief of police shall establish, by rules and regulations approved by the mayor and filed with the metropolitan clerk as a public record, such bureaus, divisions, units or sections as may be necessary or convenient to maintain the proper function and operation of the metropolitan police department. The chief of police, with the approval of the mayor, may amend or change the rules and regulations established as provided herein, and all changes or amendments to the rules and regulations of the metropolitan department of police shall be filed with the metropolitan clerk as a public record.

B. The chief of police shall implement the reorganization of the department of metropolitan police recommended by the I.A.C.P. report with such modifications of the plans recommended by such report as he shall deem necessary in the interest of departmental efficiency, and such reorganization of the department shall be effected through rules and regulations established as provided herein with the approval of the mayor.

C. The chief of police of the metropolitan police department is authorized to enter into contracts which would permit the metropolitan government to recoup funds expended in training recruits who did not accept employment with the metropolitan police department or left the metropolitan police department within three years of graduating from the police academy. (Ord. 99-1530 § 1, 1999; prior code § 34-1-7)

#### **2.44.040 Zones, districts or precincts established—Assignment of personnel.**

The chief of police shall establish zones, districts or precincts, and assign members of the department of

metropolitan police to their respective posts, shifts, details and duties consistent with their rank. He may make such changes in assignments to posts and duties as he considers will enable the department to best fulfill its functions. (Prior code § 34-1-8)

#### **2.44.050 In-service training program.**

The metropolitan police department shall establish an in-service training program which meets the requirements of the Tennessee Law Enforcement Planning Commission, in order to become eligible for salary supplements for police officers. The chief of police is required to do all things necessary to establish a training program in compliance with Tennessee Code Annotated Section 38-1113. (Prior code § 34-1-10.1)

#### **2.44.060 Extra compensation for certain personnel.**

A. Police officers assigned to duty as investigators may receive extra compensation amounting to five percent of their base pay for the irregular hours and special duties of such assignment, which shall be paid only when such police officers are assigned to duty as investigators, provided that such extra compensation shall not be considered as salary for the purpose of pensions and other employee benefits.

B. Police officers assigned to duty riding motorcycles shall receive extra compensation amounting to ten dollars per month during those periods when they are required to ride such motorcycles in the performance of their duties, provided that such salary shall not be considered as salary for the purpose of pensions and other employee benefits. (Prior code § 34-1-10)

#### **2.44.070 Meter maid patrol.**

A. There is created, for service in connection with the traffic law enforcement functions of the department of metropolitan police, a meter maid patrol, which shall police and control parking meter areas located on public thoroughfares, alleys and streets, such patrolling and supervision being necessary for the proper enforcement of parking violations. The meter maids shall be instructed and trained by a designee of the chief of police, who shall be responsible for the training of meter maids. All applicants for the positions of meter maids shall be bona fide residents of the metropolitan area. The mayor is authorized to appoint such meter maids as special police, and police powers are hereby extended to such meter maids within the area of the metropolitan government. The mayor shall prescribe a suitable uniform, and shall devise suitable identification and certificate of appointment for issuance to the meter maids serving in the meter maid patrol.

B. The primary duty of the meter maids shall be to patrol the streets of the metropolitan government area which have parking meters and to issue parking violation tickets for meter and parking violations. Their patrol routes in general shall be confined to the parking meter areas, but they may be assigned to assist the police to enforce parking laws and regulations in other areas. On other occasions, they may be assigned as guides or hostesses at official metropolitan government functions. During the time they are patrolling the streets, they shall be available to give tourist information, route directions, routes to places of historical or public interest, bus routes, information regarding complaints, how to care for lost children, stranded people, lost and found article, and any other type of information which may be helpful to residents and visitors of the metropolitan government.

C. All expenses of training, uniforms, equipment and salaries, and all other incidental expenses of the meter maid program shall be borne by the metropolitan traffic and parking commission. (Prior code § 34-1-9)

#### **2.44.080 Photocopying fees for police reports.**

The following schedule of fees to be paid to the metropolitan police department for special services provided by it is established as follows:

##### **A. Records:**

Traffic accident reports	\$ 9.00 per report <sup>1</sup>
Offenses/supplement reports	5.00 per report <sup>1</sup>
Minor traffic accident reports	3.00 per report <sup>1</sup>
Computer reports	
Charge for minimum programming time	33.00 for 30 minutes
Charge for additional programming time	1.10 per minute
Record checks (local)	13.00 per person
Handgun applications, processing	19.00 per application
Visa letters, preparation	19.00 per letter

<sup>1</sup> Fees for reports cover the entire report, regardless of the number of pages.

##### **B. Identification:**

Fingerprinting	\$ 9.00 first set
1.00 additional copy of same fingerprints	
Photographs.	
A. Print (8 × 10 or smaller)	5.00 each
B. Mugshot reproduction	2.00 each

C. Audio/video reproduction of existing audio/video (tape furnished by MPD) 5.00 setup charge, plus 40 cents per minute for editing  
(Ord. 91-1648 § 1, 1991: prior code § 34-1-4.2)

**2.44.090 Special police commissions, security guard directives, and handgun permits/written directives.**

**A. Special Police Commissions.**

1. Pursuant to Section 8.205 of the Charter, the chief of police may, in his discretion, issue special police commissions to qualified persons. All applicants for special police commissions must undergo a background investigation and must successfully complete a suitable period of training by the metropolitan police department in the use of firearms, which training shall include performance tests on a firing range, indicating the person to be qualified in the use of firearms. Training shall be conducted with a weapon approved by the chief of police. The special police commission shall authorize the carrying of the type of weapon and ammunition used in the training.

2. Those persons issued special police commissions shall comply with all regulations promulgated by the chief of police, which may include a requirement that each person, while carrying a weapon and engaged in the employment for which the commission was issued, shall be in a uniform prescribed by the chief of police.

3. The following schedule of fees shall be paid to the metropolitan police department by any special police commission applicant to defray the expense of investigating the background of the applicant, firearms training and qualification, processing the application, and issuance, if granted, of the special police commission. The chief of police may waive any fee for any portion of the issuance process which may have been previously completed by the applicant.

a. Background investigation, processing, and issuance—\$55.00.

b. TBI and FBI fingerprint check—\$46.00.

c. Fingerprint cards—\$10.00

d. Firearms training and qualification—\$110.00

Additionally, should a special police commission be issued, the holder must, prior to entering upon the performance of duties, execute and file with the metropolitan clerk a public officer's liability bond in the amount established by resolution of the metropolitan council.

4. Each special police commission shall expire one year from the date of issue unless renewed or reissued by the chief of police, in his discretion, upon application for

renewal or reissuance and compliance with all prerequisites for a special police commission. Each special police commission may be revoked at any time by the chief of police with the approval of the mayor.

**B. Security Guard Directives.**

1. Pursuant to the Private Protective Services Licensing and Regulatory Act, Tennessee Code Annotated Section 62-35-101 et seq., the chief of police may issue to any properly and duly registered armed security guard/officer in the possession of a valid registration card and who has presented proof of compliance with the Act, a written directive authorizing that individual to carry a weapon for the purpose of employment within Davidson County and for a specific employer. The security guard directive shall comply with all requirements set forth in the Act.

2. A fee of fifteen dollars shall accompany each application for a security guard directive, to defray the expense of issuance and administration of the directive.

3. Upon expiration or change of employment/employer, or revocation or suspension of an individual's armed security guard/officer registration card, the security guard directive shall immediately be returned to the chief of police. Furthermore the chief of police shall at all times reserve the right to revoke or suspend the security guard directive at such time as he finds any reason, in his judgment, which indicates the person's disqualification to carry a weapon within Davidson County.

**C. Handgun Permits/Written Directives.**

1. The chief of police may, in his discretion, issue a handgun permit/written directive authorizing the carrying of a handgun in Davidson County to qualified persons, not otherwise authorized to carry a weapon in Davidson County, who meet or exceed the requirements for same set forth in Tennessee Code Annotated Section 39-17-1315(b). However, nothing in this section shall prohibit the chief of police from adopting additional regulatory and/or qualifying provisions for handgun permits/written directives, including any requirement that the holder of a handgun permit/written directive, while carrying a handgun, wear a uniform prescribed by the chief of police. All firearms training and qualification shall be conducted with a handgun approved by the chief of police. The handgun permit/written directive shall authorize only the carrying or the type of handgun and ammunition used in the training.

2. The following schedule of fees shall be paid to the metropolitan police department by any applicant for a handgun permit/written directive to defray the expense of investigating the background of the applicant, firearms training and qualification, processing the application and,

if granted, issuance of the handgun permit/written directive. The chief of police may waive any fee for any portion of the application process which may have been previously completed by applicant.

- a. Background investigation, processing, and issuance—\$55.00.
- b. TBI and FBI fingerprint check—\$46.00.
- c. Fingerprint cards—\$10.00.
- d. Gunrange qualification—\$110.00.

Furthermore, prior to the issuance of any handgun permit/written directive, the applicant shall provide proof of the insurance required by Tennessee Code Annotated Section 39-17-1315, or else post with the metropolitan clerk the alternative bond required by Tennessee Code Annotated Section 39-17-1315.

3. Each handgun permit/written directive shall expire one year from the date of issue, and may be reissued only upon application and compliance with all prerequisites for a handgun permit/written directive. Furthermore, the chief of police may revoke any handgun permit/written directive at such time that he finds that any of the laws, rules or regulations governing handgun permits/written directives have been violated, or for any other reason which in the judgment of the chief of police indicates the person's disqualification to carry a handgun. (Ord. 93-617 § 1, 1993; Ord. 91-1647 §§ 1, 2, 1991; Ord. 90-1159 §§ 1, 2, 1990; prior code § 34-1-4.1)

**2.44.100 Special police commission—  
Qualifications for issuance to officers  
of other cities.**

A. The director of the department of police of the metropolitan government is authorized to issue special police commissions to police officers of smaller cities within the metropolitan government of Nashville and Davidson County, provided these police officers:

1. Meet the minimum standards of the Tennessee Peace Officers' Standards and Training Commission in accordance with Tennessee Code Annotated Section 38-8-101 et seq.;
2. Receive firearm instruction from an instructor who is certified by a recognized approving agency and the department of police training academy firearms section;
3. Meet shooting qualification standards of at least seventy-five percent efficiency annually, using their department-issued firearms on a firearms range which meets the Practical Pistol Courts (P/P/C) Standards and the officer's course of fire has been approved by the department of police training academy firearm division; and
4. Are employed full-time by the smaller cities as police officers.

B. Smaller city police departments shall forward all necessary documentation to the director of the department of police of the metropolitan government before a special police commission shall be issued.

C. A special police commission for police officers of smaller cities does not increase those police officers' jurisdiction. (Prior code § 34-1-4.1.1)

**Article II. School Mothers' Patrol Division**

**2.44.120 Created.**

A school mothers' patrol division of the department of metropolitan police is created, subject to the rules, regulations and conditions established by this article. (Prior code § 34-1-12)

**2.44.130 Supervision—Limitations on police  
authority.**

The chief of police shall designate a director of the school mothers' patrol division with authority to supervise the work of the division. It is the intent of this article to establish a school mothers' patrol solely to maintain the safety and protection of school children on their way to and from school. The employees of the division shall have no police authority to make arrests or issue traffic citations, and may direct traffic only during times when children are going to or coming from schools, by creating gaps in traffic for the purpose of protecting children going to or coming from schools from vehicles, and expediting the movement of vehicles involved in picking up or dropping off children at schools, including vehicles which have completed the dropping off of children or are preparing to pick up children. (Ord. 93-789 § 1, 1993; prior code § 34-1-13)



**2.44.140 Rules and regulations applicable to personnel—Exceptions—Appointment of new members.**

The rules and regulations adopted by the metropolitan civil service commission for the classified service employees of the metropolitan government on August 18, 1964, shall apply to the employees of the school mothers' patrol division, except where any such rule may be in conflict with the limited tenure provision of this article. This article recognizes that the employees of the school mothers' patrol division are not entitled to vacations, sick leave, overtime, or any other fringe benefits not recognized by the metropolitan council. The chief of police shall appoint new employees to fill vacancies from an eligible list to be maintained by the director. (Prior code § 34-1-17)

**2.44.150 Qualifications for employment.**

A. Persons employed by the school mothers' patrol division shall:

1. Be a citizen of the United States and a resident of the metropolitan government area;
2. Be of good moral character and reputation and present with her application for employment character references from her pastor or other minister or from a friend or business associate who has known her for at least five years;
3. Be over twenty-one and under fifty years of age at the time of employment.

B. An employee's tenure shall terminate if the employee fails to meet any one of the conditions itemized in subsection (A)(1), (A)(2) or (A)(3) of this section, or if the employee resigns due to pregnancy, date of termination of employment to be determined by appropriate written medical advice. (Prior code § 34-1-15)

**2.44.160 Duties of personnel.**

Duties of the school mothers' patrol shall be established by the officer appointed as director of the division, subject to the approval of the chief of police. Such duties shall be consistent with the rules and regulations of the civil service commission, as adopted by the commission on August 18, 1964, or any amendments made thereto, and the rules and regulations of the metropolitan police department. Current duties, rules and regulations applicable to the school mothers' patrol division shall be filed with the metropolitan clerk's office as a public record. (Prior code § 34-1-14)

**2.44.170 Suspension, disciplinary action and dismissal—Employee rights.**

Any member of the school mothers' patrol division shall be subject to suspension, disciplinary action or dismissal by the chief of police in the same manner as a regular member of the police department for cause. Any employee of the division shall be entitled to a hearing before the metropolitan civil service commission just as though such employee were in the classified service of the metropolitan government. It is the intent of this section that every employee of the school mothers' patrol division, within the tenure of her eligibility, shall be considered to be entitled to the same protection provided for classified employees. (Prior code § 34-1-16)

**Article III. Combat Auto Theft (CAT) Program**

**2.44.180 Authorization—Administration.**

The metropolitan police department is authorized to operate a combat auto theft (CAT) program for the benefit of any owner of a motor vehicle who desires to enroll his vehicle(s) in the program, and to charge a five dollar enrollment fee per vehicle to cover the administration of the program, including the cost of a decal to be placed on the rear window of the vehicle. The police department shall adopt the necessary rules and regulations to conduct the program. Participation in the program shall be voluntary. (Ord. 92-431 § 1, 1992)

**2.44.190 Acceptance of funds.**

Through the council's legislative power and the government's specific authorization to accept gifts, as set forth in Sections 3.06 and 2.01(14) of the Charter respectively, the police department is hereby authorized to accept from Crimestoppers of Nashville, Inc., a gift of five thousand dollars for the purpose of providing start-up capital for the implementation of the CAT program. (Ord. 92-431 § 2, 1992)

**2.44.200 Use of funds.**

All enrollment fees and contributions to the CAT program shall be placed in general fund revenue accounts to be used exclusively for the purpose of paying the costs of operating the program. (Ord. 92-431 § 3, 1992)

**Article IV. Extra-Duty Police Officers**

**2.44.210 Contracting to assign extra-duty police officers.**

A. The chief of police, or his/her designee, is authorized to enter into contracts with private entities to assign extra-duty police officers who have volunteered to

work additional duty in an on-duty status to provide security services at certain events or activities approved by the chief of police, or his/her designee. The chief of police, or his/her designee, is further authorized to equip these extra-duty police officers with police vehicles during such events or activities if, in the opinion of the chief of police, or his/her designee, the use of the police vehicles would better protect the public or the officers, and police vehicles are available for such use. The chief of police, or his/her designee, shall have the discretion to determine the number of police officers, including supervisory officers, and the number of police vehicles that will be required during such an event or activity.

B. The private entities shall reimburse the metropolitan government its costs in assigning volunteer officers to such additional duty in an on-duty status and shall reimburse the metropolitan government its cost in equipping the extra-duty officers with police vehicles or other specialized equipment. Such costs shall include, but are not limited to, any costs associated with additional salaries, use of police vehicles, the increased risk of legal liability, and the cost of possible officer injuries in the performance of these services. The contracts authorized by this section shall be approved by the director of finance and the director of law. Only those officers volunteering for extra-duty assignments shall be assigned to work these events or activities.

C. For purposes of this section “private entity” means any natural person, firm, partnership, association, corporation, limited-liability company, trust, or other nonpublic entity. “Private entity” shall not include any contract security company or other enterprise engaged in the business of providing, or undertaking to provide, security services, security guards, or patrol services to others on a contractual basis. (Ord. 98-1368 § 1, 1998)

## **Chapter 2.48**

### **DEPARTMENT OF PUBLIC WORKS**

#### **Sections:**

**2.48.010 Divisions and units of the department established.**

**2.48.020 Director of engineering—Qualifications.**

**2.48.030 Special assistant to the director.**

#### **2.48.010 Divisions and units of the department established.**

The director of public works shall establish by rules and regulations such divisions and other units as are provided by the Metropolitan Charter and any other divisions, sections and other units which may be necessary to obtain and maintain the proper function and operation of the

department of public works. Such division shall include, but shall not be limited to, the division of departmental services, division of engineering and division of operations, which divisions shall be under the direction of an assistant director, each assistant director to perform such duties and responsibilities as may be assigned to him by the director of public works. (Prior code § 2-1-4)

#### **2.48.020 Director of engineering—Qualifications.**

The director of engineering shall be a graduate of a recognized college or university with an engineering degree, and in addition to such degree, shall have at least five years of advanced engineering, administrative or management experience in connection with public works. In lieu of a degree, two years of completed credit in a recognized college or university will be acceptable, provided it is accompanied by at least ten years of advanced responsible experience in engineering, administration or management in public works. A license from the state board of architectural and engineering examiners for the practice of engineering in Tennessee shall be required. (Prior code § 2-1-5)

#### **2.48.030 Special assistant to the director.**

There shall be in the department of public works the position of special assistant to director, who shall assist the director of public works in the administration of the department, performing such duties and responsibilities as may be assigned by the director of public works. (Prior code § 2-1-6)

## **Chapter 2.52**

### **DEPARTMENT OF WATER AND SEWER SERVICES**

#### **Sections:**

**2.52.010 Divisions and sections established.**

**2.52.020 Assistant directors—Qualifications.**

**2.52.030 Billings and collection manager.**

**2.52.040 Employment of engineering consultants.**

#### **2.52.010 Divisions and sections established.**

The director of the department of water and sewerage services shall establish by rules and regulations such divisions and other units as are provided by the Metropolitan Charter and any other divisions, sections and other units which may be necessary to maintain the proper function and operation of the department. The divisions of the department shall include, but need not be limited to, a division of water service and a division of sewerage

service, which divisions shall be under the direction of an assistant director for water service and an assistant director for sewerage service respectively, who will perform such duties and responsibilities as may be assigned to them by the director of water and sewerage services. (Prior code § 40-1-1)

**2.52.020 Assistant directors—Qualifications.**

The assistant director for water service and the assistant director for sewerage service shall be graduates of a recognized college or university, preferably with an engineering degree. However, a B.A. or B.S. degree will be acceptable. In addition to the requirement of a degree, at least five years of administrative or management experience in connection with utility operation or public works projects shall be required. In lieu of a college degree, two years of college work in a recognized college or university will be acceptable, provided it is accompanied by at least ten years of administrative experience in connection with public works projects or community planning or both. (Prior code § 40-1-2)

**2.52.030 Billings and collection manager.**

There is established within the department of water and sewerage services the position of billing and collections manager. The duties and responsibilities of the employee holding the position of billing and collections manager shall be to direct and supervise the billing and collection section of the department of water and sewerage services and to plan, organize and give direction to the day-by-day activities of the employees of the billing and collections section, make special, administrative, daily, monthly and annual reports on all phases of the billing and collections section, enforce all regulations in regard to charges for service, be responsible for proper billing and collection for charge of water and sewerage service, establish proper procedures for entering new accounts on the records, write letters to consumers explaining policy, ordinances and charges, plan workload and schedule vacations, schedule days off to insure smooth operation, review customers' adjustments and refunds and supervise ordering and maintenance of equipment. (Prior code § 40-1-3)

**2.52.040 Employment of engineering consultants.**

The director of the department of water and sewerage services, with the approval of the mayor, is hereby authorized to retain necessary engineering consultants whenever, in the judgment of the director, such services are deemed to be necessary for the proper operation, maintenance and expansion of the water and sewerage system. (Prior code § 40-1-4)

**Chapter 2.56  
METROPOLITAN COURTS**

**Sections:**

**Article I. General Regulations**

- 2.56.010 Judge of juvenile court—Authority to detain certain juveniles—Education requirements for detainees.**
- 2.56.020 Parole of traffic violators—Failure to observe conditions deemed misdemeanor.**
- 2.56.030 Property confiscated by police department—Custody by court clerk.**
- 2.56.040 Property confiscated by police department—Disposal conditions.**

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#### **Article I. General Regulations**

- 2.56.010 Judge of juvenile court—Authority to detain certain juveniles—Education requirements for detainees.**

A. The judge of the juvenile court for Davidson County is authorized to detain juveniles from other counties upon written requests and executed letter contracts from proper officials from such other counties, a copy of same being attached hereto, and to set and charge reasonable per diem fees therefor.

B. All detainees of the metro juvenile detention facility shall be provided not less than fifteen hours of active academic instruction each week. Such academic instruction shall be provided eleven months per year by at

least one full-time certified teacher and at least one full-time educational assistant, who shall be employed by the metropolitan juvenile court. Such academic instruction shall be designed to afford such detainees educational enhancement and learning opportunities and shall not be merely a study hall program. (Ord. 96-296 § 1, 1996; prior code § 12-1-3.1)

- 2.56.020 Parole of traffic violators—Failure to observe conditions deemed misdemeanor.**

Persons accused of violating traffic ordinances or traffic regulations of the metropolitan government may be paroled only in the manner and under the conditions prescribed by Divisions II and III of the metropolitan court. Failure to observe such method or conditions of parole by any court officer, police officer, clerk of the traffic violations bureau or any other person charged with the administration of this article shall constitute a misdemeanor in office, and such person shall be subject to a fine not exceeding twenty-five dollars. (Prior code § 12-1-1)

- 2.56.030 Property confiscated by police department—Custody by court clerk.**

All property confiscated by the metropolitan police department in connection with violations of this code or other metropolitan ordinances shall be turned over to the metropolitan court clerk and held by him until the disposition thereof is ordered by a metropolitan judge. The court clerk shall keep a record of all property turned over to him by the police department and the disposition thereof. (Prior code § 12-1-2)

- 2.56.040 Property confiscated by police department—Disposal conditions.**

All property confiscated as provided in Section 2.56.030 shall be disposed of in the following manner:

A. All cash, negotiable papers, securities and other property of like kind shall be turned over to the clerk of the metropolitan court and shall be transmitted by such clerk to the metropolitan director of finance to be credited to the general fund account.

B. All property of value not included in subsection A of this section shall be turned over to the property room of the metropolitan police department and disposed of in accordance with the procedures of the metropolitan police department.

C. All property of no monetary value shall be disposed of at the direction of a metropolitan judge. (Prior code § 12-1-3)

## **Article II. Court Costs**

### **2.56.050 Applicability of article.**

This article shall apply to Division I of the metropolitan courts, or any metropolitan general sessions court having jurisdiction over municipal ordinances, regulations, resolutions or private acts, with the exception of moving or nonmoving traffic violations, and the clerk serving such courts shall remit costs as provided above to the metropolitan government. (Prior code § 12-1-18)

### **2.56.060 Assessment of court costs required when—Amount.**

Every person who has been convicted of or pleads guilty to the violation of a metropolitan ordinance, regulation, resolution or private act in Division I of the metropolitan court of the metropolitan government, or any other metropolitan general sessions court having jurisdiction over municipal ordinances, resolutions or private acts, with the exception of moving and nonmoving traffic violations, shall, in addition to any fine imposed or assessed by such court and in addition to any fee required to be collected for and on behalf of the state or pursuant to the laws of the state, be required to pay the clerk of the metropolitan court the following costs:

A. Where the conviction is for the violation of a metropolitan ordinance other than a traffic violation, the cost therein shall be twelve dollars and fifty cents for each such offense for which the person is convicted or pleads guilty;

B. Should the defendant request of the court and be granted a continuance, an additional fee of five dollars for each such continuance shall be imposed. This section shall not apply to moving and nonmoving traffic violations;

C. No cases may be retired in Division I of the metropolitan court or any other court having jurisdiction over metropolitan ordinances, regulations, resolutions or private acts, with the exception of moving and nonmoving traffic violations, until all costs have been paid;

D. The court shall have no power to reduce, dismiss or suspend any of the costs imposed by this article. (Prior code § 12-1-13)

### **2.56.070 Payment—Accounting and remittance.**

The costs imposed by this article shall be collected by and paid to the clerk of the metropolitan court, and such clerk shall account for all such costs in accordance with the rules and regulations of the director of finance of the metropolitan government, and shall remit such costs to the metropolitan treasurer. (Prior code § 12-1-14)

### **2.56.080 Time of collection—Procedure when amount paid is insufficient.**

A. The metropolitan court clerk shall collect the costs imposed herein from each person who is found to be guilty of violating a metropolitan ordinance, and such costs shall be collected at the same time and substantially simultaneous with the collection of the fine imposed, if any.

B. In all cases where a fine is imposed, if the amount of money paid to the metropolitan court clerk is insufficient to pay the fine and costs, then the amount so paid shall be used first to pay the costs imposed herein, and the remaining amount to pay the fine. In no case, however, shall any person be imprisoned or incarcerated for failure to pay the costs imposed by this article. (Prior code § 12-1-15)

### **2.56.090 Effect of appeals on payment—Circuit court to collect costs when.**

A. Upon an appeal being taken from any judgment of the metropolitan court wherein the defendant was convicted of violating a metropolitan ordinance, regulation or private act, the appeal shall not act as stay or supersedeas as of the cost imposed by this article, unless the defendant executes an appeal bond, with solvent surety, conditioned to pay the metropolitan court costs if, upon appeal, he is found guilty.

B. If, upon appeal to the circuit court as provided in Section 14.05 of the Charter, the defendant is found guilty of violating a metropolitan ordinance, the circuit court clerk shall collect such costs as are imposed by this article, and such costs shall be in addition to and not in lieu of any other costs imposed by law. Such costs collected by the circuit court clerk shall be remitted to the metropolitan government in the same method that fines collected by the circuit court clerk on appeal are now remitted to the metropolitan government. (Prior code § 12-1-16)

## **Article III. Division of Probation**

### **2.56.100 Administration of the division—Appointment of employees.**

The division of probation shall be administered by the office of the presiding judge of the metropolitan general sessions courts by virtue of the administrative duties assigned that office by the Charter, and shall serve each judge equitably. All employees in the division will be appointed by the presiding judge on the advice and consent of the other judges acting in majority. (Prior code § 12-1-35)

**2.56.110 Employees—Classification and salaries.**

Employees in the division will serve at the pleasure of the judges of the courts. Such employees will not be civil service employees; however, the employees will be eligible for all the benefits and privileges afforded other metropolitan government employees. Salaries of employees will be in keeping with the metropolitan department of personnel's pay plan enacted July 1, 1974, and any subsequent pay plan enacted thereafter by the council and adopted by the metropolitan government. (Prior code § 12-1-36)

**2.56.120 Probation counselor, division directors and staffing.**

There shall be a probation counselor assigned to serve each judge in each of the divisions of the courts. The division shall have a director who shall be directly responsible to the office of the presiding judge for the supervision and performance of the probation counselors, as well as all other day-to-day functions of the division and its employees. There shall be adequate secretarial services provided the division. (Prior code § 12-1-37)

**2.56.130 Utilization of funds—Budget for operation.**

The division of probation shall have the right to utilize both public and private moneys for program development and operation, and to negotiate and contract within such guidelines imposed by the administrative and legislative branches of metropolitan government. Budget for the operation shall be part of the annual budget prepared by the office of the presiding judge and court administrator for council approval. (Prior code § 12-1-38)

**2.56.135 Probation supervision fees.**

In order to partially defray the cost of operating the division of probation, the metropolitan general sessions judges are given authority to impose up to a twenty-dollar per month probation supervision fee on all defendants placed on probation by them. (Ord. 91-1616 § 1, 1991)

**Article IV. Parole and Probation Office**

**2.56.140 Created.**

There is created an office to be known as the parole and probation office of Davidson County, and to be staffed as set forth in this article. (Prior code § 12-1-19)

**2.56.150 Chief probation officer authority—Other officers.**

A. The parole and probation office shall be under the control of the chief probation officer, whose salary shall be not more than the maximum as provided for in the metropolitan pay plan, and who shall be appointed by the judges of the criminal court of the county, and the district attorney general, and who shall serve at the pleasure of such judges and district attorney general. Such position, and all other positions of the parole and probation office, shall not be in the classified service, as provided by the Metropolitan Charter.

B. There shall likewise be authorized one supervising probation officer, one principal probation officer and one senior legal stenographer, whose salaries shall be as provided for in the metropolitan pay plan, and who shall be appointed by and serve at the pleasure of such judges and district attorney general. (Prior code § 12-1-23)

**2.56.160 Responsibilities and duties.**

This office shall have the responsibility of assisting the judges and the district attorney general of the criminal courts of the metropolitan government in the investigation, supervision and control of persons released, or who apply to be released, under suspended sentences on parole by such judges. Such parole and probation office shall, under the direction of such judges and the district attorney general, investigate and make reports to such officials as to the circumstances, history, criminal record, social, physical and mental condition of persons who apply to be released, or are released, under a suspended sentence on parole. Such office shall also investigate and make reports so such officials related to revocation of suspended sentences or parole. (Prior code § 12-1-20)

**2.56.170 Statutory powers and responsibilities.**

The positions and office created by this article shall have all those powers, duties, responsibilities and obligations as provided for in Chapter 490 of the Private Acts of 1947, except where specifically changed by this article. (Prior code § 12-1-24)

**2.56.180 Investigation of petitioners for suspended sentences or paroles—Reports.**

A. Upon the filing of a petition for a suspended sentence or parole, and provided the requirements and provisions of Chapter 591 of the Public Acts of 1989, as amended, have been complied with, such petition shall be referred to the parole and probation office, and the parole and probation office shall, as soon as possible thereafter, make a full investigation of the averments of the petition,

the circumstances, history, criminal record, and the social, physical and mental condition of the petitioner, and shall file a written report setting out in detail the results of such investigation. A copy of such written report shall be furnished each of the criminal judges and the district attorney general.

B. No petition for a suspended sentence or parole shall be considered by the criminal courts unless and until the provisions of Chapter 591 of the Public Acts of 1959, and the provisions of this article, have been fully complied with, and unless and until a written report of the parole and probation office has been filed and copies furnished as hereinabove provided. (Ord. 90-1339 § 1 (12-1), prior code § 12-1-21)

#### **2.56.190 Supervision of parolees.**

The parole and probation office shall interview and visit, from time to time, persons paroled or released under suspended sentences by the criminal judges, shall supervise, investigate, check on and report to such judges and the district attorney general the actions, conduct, behavior and progress of such persons, and may require the parolee to report to such parole and probation office at regular intervals. It shall aid all such persons in the amendment of their ways and in rehabilitating them, shall assist in securing employment for them, and shall aid and assist them in every possible way, to the end that such persons shall become and remain law-abiding citizens. (Prior code § 12-1-22)

### **Article V. Traffic Violations Bureau**

#### **2.56.200 Created—Authority of clerk of the metropolitan court.**

A. There is created a traffic violations bureau, which shall be under the control and supervision of the clerk of the metropolitan court.

B. All clerks and other employees of the traffic violations bureau shall be the employees of the clerk of the metropolitan court. (Prior code § 12-1-11)

#### **2.56.210 Powers and duties.**

The traffic violations bureau, pursuant to and in conformity with the rules and regulations prescribed by the metropolitan court, shall perform the following duties and functions:

A. Receive bail or bond from and issue receipts to all persons accused of violating the traffic ordinances or traffic regulations of the city;

B. Prepare warrants, subpoenas, capiases or any other process in connection with the trial or disposition of all

cases wherein a violation of traffic ordinances or traffic regulations of the metropolitan government is charged;

C. Keep an easily accessible and properly arranged record of all arrests, convictions or violations of traffic ordinances or traffic regulations, including such explanatory data as will reflect the disposition made of such cases. Such records shall be kept current for a period of twelve months, and may thereafter be kept in the closed files or archives of the bureau;

D. Submit summarized monthly reports to the judges of the metropolitan court and to the finance director of the metropolitan government of all cases involving violations of traffic ordinances or traffic regulations, which monthly reports shall contain a statement of all money collected by the traffic violations bureau, and shall further indicate the disposition of such cases by the metropolitan court and the traffic violations bureau;

E. All money collected by or paid into the traffic violations bureau shall be transmitted daily to the clerk of the metropolitan court;

F. The traffic violations bureau shall obtain and furnish the police department with suitable forms in triplicate serially numbered for notifying traffic violators to appear in answer to charges of violating traffic ordinances or traffic regulations of the city. The traffic violations bureau shall take receipts for such forms delivered to the police department and shall require a report from the police department on the disposition of such forms, which report shall be kept available at all times for inspection by the judge of the metropolitan court and the finance director or his authorized representative. (Prior code § 12-1-12)

### **Article VI. Probate Court—County Judge**

#### **2.56.300 Alcohol Diversion and Preventive Treatment (ADAPT) program supervisory authority.**

The supervision, control and budget of the ADAPT Program is transferred from the State Trial Courts of Davidson County to the probate court of Davidson County. (Ord. 91-97 § 1, 1992)

### **Article VII. Justice Integration Services**

#### **2.56.400 Creation.**

There is hereby created the justice integration services of the metropolitan government (JIS). (Ord. BL2003-42 § 1, 2003; Ord. 92-415 § 1, 1992)

#### **2.56.410 Purpose.**

The purpose of the JIS is to improve the administration of justice through the creation and operation of comprehensive integrated management information systems and to promulgate and implement minimum uniform standards for all participating agencies. The goals to be accomplished are to: (1) create a modern simplified system or systems for managing justice information; (2) provide quick and easy access to information; (3) expedite case processing; (4) enhance productivity and efficiency by the use of technology; (5) reduce costs and increase revenue; and (6) plan for future needs. (Ord. 92-415 § 2, 1992)

#### **2.56.420 Membership.**

Those eligible for membership in the JIS are the following elected or appointed officials: chancery court judges, circuit court clerk, circuit court judges, clerk and master, criminal court clerk, criminal court judges, district attorney general, juvenile court clerk, juvenile court judge, metropolitan general sessions court judges, probate court judge, public defender, police department and sheriff. (Amdt. 1 to Ord. 92-415, 10/6/92; Ord. 92-415 § 3, 1992)

#### **2.56.430 Policy committee.**

The policy committee will be the primary decision and policy making entity of the JIS. The policy committee shall coordinate, approve and implement the design, development and operation of the JIS. Only members of the JIS shall be eligible to serve on the policy committee. The policy committee shall adopt bylaws to provide for the governance of the JIS. (Ord. 92-415 § 4, 1992)

#### **2.56.440 Presiding officer.**

Pursuant to the bylaws, the members of JIS shall select a presiding officer who shall act as the administrative head of JIS and who shall serve in that capacity for a term established by the bylaws. (Ord. 92-415 § 5, 1992)

#### **2.56.450 Powers.**

The JIS shall have the power to:

A. Establish bylaws, policies, procedures and standards for the development and ongoing management of justice related information systems which will be integrated;

B. Enforce the bylaws, procedures, policies and standards set by the JIS;

C. Provide a centralized mechanism for the acquisition and maintenance of all justice related automated solutions;

D. Employ such persons and maintain such facilities as are necessary to exercise the powers and perform the duties of JIS within its budgetary limitations;

E. In conformity with applicable legal requirements of the metropolitan government, authorize or enter into contracts and purchase or lease such equipment, software, services and supplies as necessary to exercise the powers and perform the duties of the JIS; and

F. Take such other actions as are necessary to further the purpose of the JIS. (Ord. 92-415 § 6, 1992)

#### **2.56.460 Duties.**

The JIS shall have the duty to:

A. Provide assistance to each of the JIS participating agencies in assessing their automation needs;

B. Provide an accounting of revenues collected by JIS on behalf of each participating agency (when amounts are attributable to a participating agency);

C. Provide each JIS agency with supportive services in the form of installation, training and maintenance for JIS approved hardware and software which is not shared between two or more JIS agencies;

D. Provide each JIS agency with supportive services in the form of installation, training, electronic back-up and maintenance for hardware, software and data that is shared between two or more JIS agencies;

E. Provide services to ensure data integrity within the parameters established by the policy committee; and

F. Insure that all automated solutions conform to the general government-wide standards of the metropolitan government and participate in the formulation and revision of those standards. (Ord. 92-415 § 7, 1992)

#### **2.56.470 Exemption.**

All employees of the JIS shall be exempt from the classified service and from civil service regulations. (Ord. 92-415 § 8, 1992)

### **Article VIII. General Sessions Court Safety Center**

#### **2.56.500 Creation of general sessions court safety center.**

There shall be established, under the supervision of the general sessions court, a center to be known as the general sessions court safety center. This center will run both a traffic safety school and a DUI school. (Ord. 99-1557 § 1 (part), 1999)

#### **2.56.510 Traffic safety school eligibility.**

In addition to all other fines, fees, costs and punishments now prescribed by law, the driver of any motor vehicle upon his conviction by any judge or plea of



guilty or submission to fine for any offense involving a moving traffic violation prescribed by municipal ordinance may be required, at the discretion of the court, to attend a traffic safety school approved by the State Department of Safety, in addition to, or lieu of, any portion of any other penalty imposed. (Ord. 99-1557 § 1 (part), 1999)

#### **2.56.520 Traffic school staffing and records.**

The safety center shall maintain training agency status with the National Safety Council and shall furnish necessary instructors certified by the National Safety Council and other administrative personnel to staff the traffic school. The Safety Council shall maintain records showing the names of attendees, dates of attendance, and whether such attendees satisfactorily completed the course. (Ord. 99-1557 § 1 (part), 1999)

#### **2.56.530 Traffic school fee.**

The safety center is authorized to charge a fee up to fifty-five dollars for attending the traffic safety school. A fee of up to thirty-five dollars for making up a missed session and an administrative fee of up to thirty-five dollars shall be paid by students requiring these additional services. (Amdt. 1 with Ord. BL2004-262 §§ 1 and 2, 2004; Ord. BL2000-432 § 1, 2000; Ord. 99-1557 § 1 (part), 1999)

#### **2.56.540 Permissible use of traffic school fees collected.**

All fees collected for the traffic safety school shall be deposited in the general fund of the general services district to assist in covering the expenditures for instructor salaries, equipment and materials. (Ord. 99-1557 § 1 (part), 1999)

#### **2.56.550 General sessions court safety center DUI school.**

The general sessions court shall establish the general sessions court safety center DUI school. All persons attending the school shall pay an enrollment fee in an amount up to two hundred twenty dollars per level of classes to offset the costs of referral, assessment and education services. The DUI school shall be responsible for all documentation and reports required by state and/or local law including reports to the General Sessions Court, criminal trial courts, circuit courts, and their designated probation departments. A fee of up to thirty-five dollars for making up a missed session and a level III administrative fee of up to thirty-five dollars shall be paid by students requiring these additional services. Out of state referrals shall pay an assessment fee of fifty dollars to coordinate the necessary paperwork with their state of

jurisdiction. (Amdt. 1 with Ord. BL2004-262 §§ 3 and 4, 2004; Ord. BL2000-432 §§ 2, 3, 2000; Ord. 99-1557 § 1 (part), 1999)

#### **2.56.560 DUI school staffing and records.**

The safety center shall maintain DUI school licensure requirements with the state of Tennessee, Department of Health or other state of Tennessee agencies designated to license qualified DUI schools. The safety center shall furnish necessary instructors and other administrative personnel to staff the DUI school and maintain records in compliance with state regulations for DUI schools. (Ord. 99-1557 § 1 (part), 1999)

### **Article IX. Pre-Trial Release Program**

#### **2.56.600 Pre-trial release program.**

Pursuant to T.C.A. Sections 7-2-108(a)(13) and 8-8-201(33), the Davidson County sheriff's office is authorized to administer the operation of the metropolitan government's pre-trial release program which was created pursuant to T.C.A. Section 40-11-116 and the metropolitan government's long range plan concerning jail overcrowding. (Ord. BL2003-100 § 1, 2004)

#### **2.56.610 Supervision fee—Exemption.**

A. The Davidson County sheriff's office is authorized to charge each defendant who is not exempt under subsection B of this section, a processing fee of thirty-five dollars. The said fee shall be collected by the Davidson County sheriff's pre-trial release program in order to defray operational costs.

B. The Davison County sheriff's office is authorized to certify criminal defendants as indigent for the purposes of exempting such persons from the processing fee as provided in subsection A of this section. (Amdt. 1 to Ord. BL2003-100 § 3, 1/21/04; Ord. BL2003-100 §§ 2, 3, 2004)

### **Chapter 2.60**

### **METROPOLITAN NASHVILLE AIRPORT AUTHORITY**

#### **Sections:**

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#### **Article I. General Regulations**

##### **2.60.010      Definitions.**

The following words, terms or phrases where used herein shall have the meanings herein respectively ascribed as follows:

“Aircraft” means any contrivance now known or hereafter designed, invented, or used for navigation of flight in the air, except a parachute or other contrivance used primarily as safety equipment.

“Aircraft movement area” means the runways, taxiways, and other areas of the airport which are utilized for taxiing, takeoff, and landing of aircraft exclusive of loading ramps and parking areas.

“Airline passenger” means any person who enters the airport terminal with the intention of boarding an air carrier, supplemental air carrier or air taxi commuter aircraft, within a reasonable time, for another destination. Within the purview of these rules and regulations, such person ceases to become an airline passenger when he reaches his airport destination, claims his baggage and intends to depart the terminal area.

“Air operations areas” means any areas of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft as defined and established in Part 107 “Airport Security” of the Federal Aviation Regulations (14 CFR Part 107), effective March 18, 1972.

“Airport” means and includes any one or more airports or heliports and related facilities, including but not limited to land and interest in land, facilities for storage of air and space craft, navigation and landing aids, taxiways, pads, aprons, control towers, passenger and cargo terminal buildings, hangars, administration and office buildings, garages, parking lots, and such other structures, facilities, and improvements necessary or convenient to the development and maintenance of airports and heliports, and for the promotion and accommodation of air and space travel, commerce and navigation.

“Airport authority” means the Metropolitan Nashville Airport Authority created pursuant to the Metropolitan Airport Authority Act, Acts 1969, Chapter 174, codified in

Tennessee Code Annotated, Section 42-701 et seq., and Resolution 70-872 of the council of the metropolitan government of Nashville and Davidson County, Tennessee.

“Airport employee” means the authorized airport personnel of all organizations, activities, governmental agencies, located on or connected with the operation, maintenance, and servicing of the airports.

“Airport property” means all property that any metropolitan government, city, county or town which, pursuant to a resolution of its governing body, shall have sold, leased, dedicated, donated or otherwise conveyed to the airport authority in order to make such airport properties an operational part of its system, and/or any property acquired in the future by the airport authority.

“Baggage” means such articles, effects and other personal property checked for transport or carried by an airline passenger as are necessary or appropriate for wear, use, comfort or convenience in connection with his trip. It includes both checked and unclaimed baggage.

“Board” means the board of commissioners of the Metropolitan Nashville Airport Authority appointed by the mayor and approved by the council of the metropolitan government of Nashville and Davidson County, Tennessee.

“Commercial operations” means all operations of aircraft for commercial purposes, or any type operation or activity being conducted on the airport.

“Executive director” means the executive director and chief administrative officer of the Metropolitan Nashville Airport Authority (acting directly or through his designated representatives).

“Fixed-base operator” means any other person, organization, or sublessee engaged in business of an aviation nature conducting transient aircraft services and being authorized to conduct such business by virtue of a contract with the airport authority in compliance with specified minimum standards.

“Motor vehicle” means any self-propelled wheeled, tracked vehicle or trailer hitched on to a motor vehicle for the convenience of people or goods on airport property, or for the service and maintenance of equipment or property.

“Participating municipality” means any metropolitan government, city, county or town which, pursuant to a resolution of its governing body, shall have sold, leased, dedicated, donated or otherwise conveyed its airport to the airport authority for operation by the authority in order to make such airport an operational part of its system.

“Person” means any individual, firm, corporation, partnership, company, association, joint stock association, or political body, and includes any trustee, receiver, assignee or other representative thereof.

“Public area” means those areas including the various concessions, restrooms and terminal lobby sections used for public thoroughfares, gathering, waiting, and viewing; streets and roads, sidewalks, and all other areas, except tenant facilities, normally used by the general public. All other areas are to be considered operational or restricted areas, and access is permitted only upon expressed consent of the executive director.

“Restricted areas” means areas which are closed to the general public. These areas are defined as areas which are used to perform the everyday activities and operations of the airports. These areas include, but are not limited to airport operation areas, tenant-leased operational areas, perimeter operational roads, and locations having access to air operational areas. These areas are restricted to use by authorized agencies and personnel while engaged in their respective airport duties.

“Sterile concourse” means the concourse areas of the terminal that an airline passenger must enter into or exit in order to enplane or deplane an aircraft, subject to Federal Aviation Regulations Part 121.538 and 121.7.

“State” means the state of Tennessee.

“Visitor” means any person who is not an airport tenant, airport employee or airline passenger. (Prior code § 4A-1-1)

#### **2.60.020 Application of chapter provisions.**

A. All users of and persons on the airport shall be governed by the rules and regulations set out in this chapter, and the directions of the executive director and/or his designated representative.

B. These regulations are not intended to amend, modify or supersede federal, state or local law.

C. If any portion of these regulations shall be invalid or unenforceable, all other portions shall remain in effect and be construed to achieve the purposes hereof. (Prior code § 4A-1-2)

#### **2.60.030 Rules and regulations—Adoption and amendment.**

A. Rules and regulations, and amendments thereto, will be issued as needed by the executive director of the airport authority, or his designated representative. Proposed rules and regulations, and amendments thereto, shall be issued by posting a copy on the public notice bulletin board in the airport administration offices, and by sending a copy to each airport(s) tenant primarily affected. Upon such posting and notification, any person, within fifteen days, may submit written comments and proposed changes to the executive director.

B. Thirty days from issuing a proposed rulemaking, the executive director or his representative will hold a

hearing, at which time persons may appear either in opposition to or in favor of the rulemaking. The date of such hearing shall be established in the notice of proposed rulemaking. Following that hearing, the executive director will either issue a revised rule or amendment, if deemed appropriate, or issue notification that the original rulemaking has been incorporated in the official rules and regulations promulgated by the airport authority. (Prior code § 4A-1-3)

**2.60.040 Liability limitations.**

A. The airport authority and its officers and employees, or any participating municipality, by publication of such rules and regulations, assumes no responsibility for loss, injury or damage to persons or property by reason of fire, vandalism, wind, flood, earthquake, collision, strikes or acts of God or of public enemy, nor does it assume liability for injury to persons while on airport(s) or while using the facilities of same, or for property damage.

B. All persons shall conduct activities and render services upon the airport property in a safe, responsible and efficient manner, and shall be solely liable for having properly trained and instructed their agents and/or employees for such purposes. (Prior code § 4A-1-4)

**2.60.050 Commercial activity.**

A. No person shall utilize any portion of the airport property of any structure thereon for any commercial activities except under terms of a lease, contract or permit executed with the airport authority.

B. No person or corporation operating any facility on the airport shall discriminate or permit discrimination against any person or group of persons in any manner prohibited by Part 15 of the Federal Aviation Regulation, or any other applicable federal, state or local regulation or law.

C. Persons or corporations operating facilities on the airport shall operate in such a way as to fully protect the airport and its environs from any environmental pollution, either through the air or water. They will operate in accordance with Metropolitan Ordinance 68-554, entitled "An Ordinance Amending the Metropolitan Code, Charter 4, Subchapter 1, by providing for Air Pollution control within the Metropolitan Government Area." They will abide by all rules, regulations and administrative orders issued by the State Stream Pollution Control Board or other state agency responsible for environmental pollution. Also, they will obey all rules, regulations and orders relating to environmental pollution promulgated by the federal government, and specifically those promulgated under Public Law 91-258, 91st Congress, entitled "Airport

and Airway Development Act of 1970." Should the Metropolitan Airport Authority be required by any department of the federal government to take any action in order to be eligible for any federal funds and this action relates to the property leased hereunder, then these persons and/or corporations will, at their own expense, take such action necessary to comply. (Prior code § 4A-1-5)

**2.60.060 Contracts and leases—Filing requirements.**

A. A copy of all contracts entered into by the Metropolitan Nashville Airport Authority shall be filed with the purchasing agent of the metropolitan government and with the metropolitan clerk.

B. A copy of all the leases entered into by the Metropolitan Nashville Airport Authority shall be filed with the public property administration of the metropolitan government and with the metropolitan clerk. (Ord. 90-1339 § 1 (2-6), 1990; prior code § 2-1-19)

**2.60.070 Tenants—Construction conditions.**

A. Prior to any alteration, repair and/or construction of leased buildings or ground surface, the airport tenant must submit such proposal to the planning and engineering division of the airport authority for construction plan and specification procedures.

B. All phases of construction must meet federal, state, local and Metropolitan Nashville Airport Authority requirements. (Prior code § 4A-1-21)

**2.60.080 Tenants—Sign restrictions.**

A. Any tenants planning a sign installation shall first obtain from the planning and engineering division of the airport authority general guidelines for signing.

B. Prior to any construction of a sign or signs, the tenant shall secure a permit from the metropolitan codes administration as well as approval from the airport authority. (Prior code § 4A-1-22)

**2.60.090 Schedule of use charges.**

Charges for use of airport property and related facilities will be as determined and established by the airport authority. (Prior code § 4A-1-23)

**2.60.100 Storage of property and equipment.**

A. Unless otherwise provided in a lease or other agreement, no person shall use any area of the airport for storage of property without the permission of the executive director.

B. No tenant or lessee on the airport property shall store or stock material or equipment in such a manner as to

constitute a hazard to personnel, passengers of the carriers, or property. (Prior code § 4A-1-18)

#### **2.60.110 Restricted areas.**

A. No person shall enter any airport property area or building posted as being closed to the public, with the exception of the following:

1. Persons assigned to duty therein under authorization of airport tenant and/or the executive director or his designated representative,
2. Persons authorized under contractual agreements with the airport authority,
3. Authorized representatives of the Federal Aviation Administration,
4. Persons engaged, or about to be engaged, or having been engaged in the operation of any aircraft,
5. Passengers under appropriate supervision entering ramp operational areas for the purpose of enplaning or deplaning on aircraft,
6. Police or fire personnel with equipment in case of an emergency;

B. Restricted areas at the Nashville Metropolitan Airport as designated in the airport master security plan and required by the Federal Aviation Regulations of Part 107. These areas cover the following:

1. All persons authorized access to any air operations area must have an identification badge or be under escort by an officer of the airport safety and security division, or their designated representative,
2. The operator of each ground vehicle authorized access to any air operation area must display upon the vehicle visual identification, such as a decal or sign, while operating in that area,
3. All persons, upon entering the airline terminal passenger holdroom concourses must be screened, along with X-ray of their baggage and investigation of personal items. Airline tenants and employees with authorized identification badges may be cleared for entry into the concourses through positive recognition by the screening personnel,
4. All doors in the terminal sterile concourses must be kept locked and/or controlled that enter to a ramp air operational area. (Prior code § 4A-1-24)

#### **2.60.120 Roads and walkways.**

No person shall travel on the airport property other than on roads, walks or places provided for the particular class of traffic. (Prior code § 4A-1-13)

#### **2.60.130 Lost and found articles.**

Finders of a lost article shall turn same into the airport lost and found service or, if during other than normal

working hours, to the safety and security specialist on duty. If the article is not claimed by its owner within sixty days after it is deposited, it may be returned to the finder. (Prior code § 4A-1-16)

#### **2.60.140 Accident reports.**

All persons involved in any accident, including aircraft or automobile, occurring on the airport property, shall make a full report to the executive director or a safety and security officer on duty, as soon after the accident as possible. When a written report of an aircraft accident is required by the federal aviation regulations, a copy of such report may be submitted to the executive director in lieu of the report required above. (Prior code § 4A-1-25)

#### **2.60.150 Emergency conditions.**

A. Emergency conditions existing on the airport property will not mitigate or cancel any existing condition.

B. All persons, vehicles and taxiing aircraft shall yield right-of-way to emergency equipment.

C. All persons shall move to areas so directed when an emergency exists in the terminal building. (Prior code § 4A-1-26)

#### **2.60.160 Abandoning property.**

No person shall abandon any personal property on the airport property. Any personal property so abandoned shall be disposed of in the manner described by applicable laws or statutes. (Prior code § 4A-1-19)

#### **2.60.170 Advertising restrictions.**

No person or organization shall pass, distribute or display signs, advertisements, circulars, printed or written matter on airport property, or any structure thereon, without a permit approved by the executive director in accordance with the airport authority regulations or in accordance with the provisions of a lease executed with the airport authority. A copy of such regulations may be secured from the secretary of the authority at his office on the fourth floor of the main airport terminal. (Prior code § 4A-1-7)

#### **2.60.180 Animals.**

A. No person may enter the airport with a domestic or wild animal without written permission of the executive director, except:

1. Persons entering any part of the airport property other than the terminal buildings, air freight, or other restricted areas, with a domestic animal that is kept restrained by a leash, or is confined so as to be completely under control;

2. Persons entering terminal buildings or air freight areas with a domestic animal, such as a dog or cat, that has to be transported by air and is confined in a suitable transportation container;

3. Blind or deaf persons may enter the terminal or gate without permission of the executive director.

B. No person may ride horseback on the airport property without permission of the executive director. (Prior code § 4A-1-12)

**2.60.190      Disorderly conduct, public intoxication, gambling and other nuisances.**

A. No person shall be or become intoxicated or drunk, commit any disorderly, obscene or indecent act, or commit any act of nuisance, nor conduct, or engage in any form of gambling, or violate any federal, state or local laws on the airport property.

B. No person shall deposit litter upon the floors of airport buildings or upon sidewalks, roads or grounds of the airport. (Prior code § 4A-1-10)

**2.60.200      Firearms and hunting.**

Hunting or the discharge of firearms on the airport property is prohibited, unless permission has been authorized by the executive director. (Prior code § 4A-1-14)

**2.60.210      Injuring or destroying property.**

A. No person shall destroy, injure, deface or disturb in any way any building, sign, equipment, marker or other structure, tree, flower, lawn or other property on the airport.

B. Any person damaging any light fixture, security lock mechanism, door or gate, pavement or turf surface on airport property by malicious intent or by operation of a vehicle or aircraft, shall be cited as facts so warrant, and be fully responsible for any costs required to repair or replace the damaged facility. (Prior code §§ 4A-1-17, 4A-1-20)

**2.60.220      Loitering.**

No person may loiter or loaf on any part of the airport property. If a loitering or loafing person is told by a safety and security officer to move on or leave the airport property, he shall do so. (Prior code § 4A-1-9)

**2.60.230      Photography.**

No person shall take still, sound or motion pictures for commercial use on airport property without the approval of the executive director or his designated representative. This does not apply to those taken on lease airport tenant

areas for private or promotional purposes. (Prior code § 4A-1-15)

**2.60.240      Picketing and demonstrations.**

No person shall walk in a picket line as a picket, or take part in any labor or other public demonstration on any part of the airport property, except in those places which may specifically be assigned for use of such picket lines or other public demonstrations by a permit approved by the executive director in accordance with airport authority regulations. A copy of such regulations may be secured from the secretary of the authority at his office on the fourth floor of the main airport terminal. Such permit is also subject to applicable federal, state and participating municipality laws. (Prior code § 4A-1-8)

**2.60.250      Sanitation requirements.**

No person shall dispose of garbage, papers, refuse or other material on airport property except in the receptacles provided for that purpose, nor use comfort stations other than in a clean and sanitary manner, nor expectorate on the floors, walls or other surfaces of any airport facility. (Prior code § 4A-1-11)

**2.60.260      Soliciting.**

The soliciting of business, fares, alms or funds for any purpose on airport property is prohibited without a permit approved by the executive director in accordance with airport authority regulations. A copy of such regulations may be secured from the secretary of the authority at his office on the fourth floor of the main airport terminal. (Prior code § 4A-1-6)

**2.60.270      Enforcement authority.**

The uniformed officers of the airport authority safety and security division and/or officers of participating municipalities are empowered to require compliance with these rules and regulations. No authority is either hereby expressed or implied, however, that would permit any individual other than the executive director to change, alter or amend these rules and regulations. The executive director is authorized to interpret and construe these regulations wherever necessary, either by directive of general or specific application, and his interpretations and construction shall be deemed a part of the regulations and binding upon all persons. (Prior code § 4A-1-27)

**Article II. Motor Vehicles and Parking**

**2.60.280      Traffic regulations applicable.**

Motor vehicle operation on airport property shall be governed by the provisions of the metropolitan traffic and

parking commission, Tennessee Code Annotated, as amended, code of laws of the municipality in which the airport is located, relevant private acts, and such regulations as instigated from time to time by the authority. (Prior code § 4A-1-36(a))

**2.60.290            Operation of motor vehicles on roadways.**

Motor vehicles shall be operated by a licensed driver in strict compliance with posted stop, yield, pedestrian, parking, road direction, road height clearance, and speed limit traffic signs. (Prior code § 4A-1-37(b))

**2.60.300            Motorized equipment operations.**

A. No motorized equipment shall be operated on the aircraft parking ramps, the airport landing area or airport perimeter roads except:

1. By persons assigned to duty thereon;
2. By persons authorized by the executive director;
3. By persons escorted by safety and security vehicle.

B. No vehicle shall be allowed to enter upon the aircraft movement area, either day or night, unless equipped with a radio with two-way communications with the FAA control tower, or escorted by a vehicle so equipped; provided, however, for tractors, mowers, tugs and equipment employed in the maintenance of the field, mowing of grass, etcetera, radios shall not be required.

C. No vehicle may enter the landing area until clearance has been given by the control tower; provided, however, that such vehicles not requiring radio as provided above shall enter upon the aircraft movement area proper after FAA control tower has been notified by telephone concerning necessary movements, and permission granted for such movement. It is the responsibility of all vehicle operators to be conversant with the standard airport light signals, regardless of whether vehicle is radio equipped. (In the absence of a control tower, the assigned airport supervisor may grant the right to enter aircraft movement areas).

D. Operators of motorized equipment on aircraft parking areas, ramp service roads, baggage make-up and delivery claim road areas, shall operate such equipment with extreme caution, and shall not at any time exceed a speed of fifteen miles per hour. The maximum baggage or freight-cart train shall consist of one tug and four tandem carts.

E. No person shall operate any motorized vehicle upon any area of the airport if such vehicle, with or without towed equipment, is so constructed, equipped or loaded so as to be a danger, or is likely to endanger persons or property. All persons riding in any motorized

vehicle shall be seated in seats permanently affixed to the vehicle.

F. All motorized vehicles, while operating upon an aircraft ramp area, shall pass to the rear of taxiing aircraft and shall not be driven between a parked aircraft and its loading gate while enplaning or deplaning activities are in effect. (Prior code § 4A-1-37(a))

**2.60.310            Taxicabs, buses and similar services.**

Any person operating taxicabs, limousines, buses, courtesy limousine service and car rentals from the airport must have authorization for such activities under terms of a lease, contract or permit with the airport authority. Such operations are limited to parking locations and procedures as set forth in their specific agreement with the airport authority. (Prior code § 4A-1-37(e))

**2.60.320            Parking of vehicles—Towing authority.**

A. No person shall park a motor vehicle for loading or unloading, or any other purpose on the airport property other than in the areas specifically established for parking and in the manner prescribed by signs, lines or other means.

B. No person shall park a motor vehicle in an area requiring payment for parking thereon without paying the required parking fee, nor in a manner so as to obstruct roadways, nor in aircraft parking areas, nor in grass areas.

C. Employees of organizations or agencies having tenancy in the airport authority building areas may park private vehicles in the employee parking lots as designated by the executive director. Only those vehicles bearing an authorized parking sticker properly affixed to the rear bumper shall be allowed to park in the employee lots (exception will be the temporary permit issued by safety and security). Registration of vehicles for stickers shall be made with the safety security division office, and the fees for permits established by the authority will prevail. Registration of vehicles and issuance of decal permits will be renewed on a yearly basis.

D. No person shall abandon any motor vehicle on airport property.

E. The executive director shall have the authority to tow or otherwise move vehicles which are parked by their owners or operators on the airport property in violation of the regulations of the authority, state or local laws, or regulations at the operator's expense and without liability for damage which may result in the course of such moving. (Prior code § 4A-1-37(d))

#### **2.60.330 Procedure in case of accidents.**

The driver of any vehicle involved in an accident on the airport which results in injury to any person or damage to any vehicle or property shall immediately stop such vehicle at the scene of the accident, and report such accident to the metropolitan airport safety and security office, or to the applicable police or sheriff departments in which the airport is located. The operator of such vehicle, within a reasonable time after the occurrence, shall make other reports as may be required by and in accordance with federal, state and municipal laws and regulations. (Prior code § 4A-1-37(f))

#### **2.60.340 Repair or cleaning of motor vehicles.**

No person shall clean or make any repairs to motor vehicles anywhere on the airport property other than in designated shop areas, except minor repairs necessary to remove such motor vehicles from the airport property, nor shall any person move, interfere with, or tamper with any motor vehicle part, instrument, or tool thereof, without permission of the owner or satisfactory evidences of the right to do so duly presented to the executive director. (Prior code § 4A-1-37(c))

#### **2.60.350 Weight limitations for vehicles.**

Motor vehicles with axle load exceeding forty-two thousand five hundred pounds are not permitted upon aircraft parking areas, service or perimeter roads without approval of the executive director. (Prior code § 4A-1-36(b))

### **Article III. Aeronautical Operations**

#### **2.60.360 FAA regulations applicable.**

All aeronautical activities at the airport, and all flying of aircraft within the airport traffic area shall be governed by the current federal air regulations, Federal Aviation Administration, Civil Aeronautics Board Rules and Regulations, and all directives and instructions issued by the FAA control tower. (Prior code § 4A-1-28)

#### **2.60.370 Closing the airport—Authority.**

A. The executive director and his duly authorized representatives shall have the right at any time to close the airport in its entirety, or any portion thereof, to air traffic, to delay or restrict any flight or any portion thereof to any specified class of aircraft, or to any individual or group, when he considers any such action to be necessary and desirable to avoid endangering persons or property, and to be consistent with the safe and proper operation of the airport.

B. In the event the executive director and his duly authorized representatives believe the condition of the airport to be unsafe for landings and takeoffs, or in violation of the rules, regulations and standards of the airport operations manual in accordance with Part 139 of the federal aviation regulations, it shall be within his authority to issue, or cause to be issued, a NOTAM (notice to airmen) closing the airport to any portion thereof. (Prior code § 4A-1-29(a))

#### **2.60.380 Operation requirements and restrictions.**

A. No aircraft shall be operated on the surface of any airport runway, taxiway, ramp or aircraft parking and storage area in a careless or negligent manner, or in disrespect of the rights and safety of others, or without due caution and at a speed likely to unreasonably endanger persons or property, or while the pilot or other persons aboard controlling any part of the operation thereof is under the influence of intoxicating liquor, or any narcotic or habit-forming drug, or if such aircraft is so constructed, equipped or loaded as to endanger or to be likely to unreasonably endanger persons or property.

B. Prior notification from the executive director and his duly authorized representatives is required before landing and takeoff is permitted on the airport of aircraft with a total gross weight in excess of the following:

Metropolitan Airport.

Aircraft with Dual Wheels: Runway 2L-2OR, 170,000 pounds; 2R-2OL, 40,000 pounds; 13-31, 75,000 pounds.

Dual Tandem Wheels: Runway 2L-2OR, 360,000 pounds; 2R-2OL, 74,000 pounds; 13-31, 113,000 pounds.

Smyrna Airport.

Aircraft with Dual Wheels: Runway 14-32, 55,000 pounds; 18-36, 44,000 pounds.

Dual Tandem Wheels: Runway 14-32, 92,000 pounds; 18-36, 70,000 pounds.

Single Wheels. Runway 14-32, 15,000 pounds; 18-36, 30,000 pounds.

Springfield Airport.

Aircraft with Single Wheels: Runway 3-21, 15,000 pounds.

C. No aircraft exceeding a gross weight of twelve thousand five hundred pounds shall be permitted to make a one-hundred-eighty-degree turn on any asphalt runway or taxiway on airport property, unless required to do so due to an operational necessity. The owner of an aircraft causing damage to the asphalt surface while executing an



unauthorized one-hundred-eighty-degree turn on a runway or taxiway on airport property shall be responsible for the cost of repair to the surface. (Prior code § 4A-1-29 (b)—(d))

#### **2.60.390 Taxiing of aircraft.**

A. If provided, no person shall taxi or tow an aircraft upon the aircraft movement area of the airport until they have received a clearance from the control tower. Also, no person shall taxi or tow an aircraft upon the ramp, approved parking space or hangar area until they have ascertained that there will be no damage of collision with other aircraft, persons or objects in the immediate area.

B. Aircraft not equipped with brakes shall have an attendant at a wing when the aircraft is taxied near buildings or other aircraft.

C. Aircraft awaiting takeoff shall stop short of the painted holding lines and in a position so as to have a direct view of aircraft approaching for landings. Aircraft are to hold at painted lines opposite the critical zone sign on painted marking during IFR conditions.

D. Aircraft entering and departing the airline terminal ramp are to use taxiway leadoffs nearest to their gate or ramp parking location, i.e., Taxiways A, B, D, E or as directed by FAA control tower. When an aircraft is parked at Gate 20 (Terminal Garden Gate), air carrier jet aircraft are prohibited to depart the north terminal ramp via ramp leadoff Taxiway C.

E. Aircraft entering and departing leased ramp areas on the east side of the airport are to use taxiway leadoffs to the adjacent taxiway, i.e., 2R-20L, 5-23, 13-31 or 15-30. Aircraft taxiing via ramp between leased areas is prohibited. (Prior code § 4A-1-30)

#### **2.60.400 Helicopter operations.**

A. No persons shall park a helicopter in any area on the airport property other than as prescribed by the executive director.

B. Helicopter aircraft arriving and departing the airport shall use that portion of the aircraft movement area or designated helicopter clear areas as directed by the FAA control tower.

C. Helicopter aircraft shall avoid taxiing or parked fixed-wing aircraft.

D. During landings and takeoffs, helicopters shall not pass over any airport buildings, structures, their adjacent auto parking areas, or passenger concourse. (Prior code § 4A-1-35)

#### **2.60.410 Engine run-up procedures.**

A. No person shall start or run any engine in an aircraft unless a competent person is in the aircraft

attending the engine controls. Chocks shall always be placed in front of the aircraft wheels before starting the engine unless the aircraft is provided with adequate parking brakes.

B. Aircraft shall not perform engine run-up or prolonged test operations in any area that would result in a hazard or nuisance to other aircraft, persons, or property, and in no case at any terminal gate position. At no time shall engines be run-up for test or maintenance purposes between the hours of eleven p.m. and six a.m. without prior approval by the executive director, and at a designated location on the east side of the airport. (Prior code § 4A-1-32)

#### **2.60.420 Parking of aircraft.**

A. No person shall park aircraft in any area on airport property other than as prescribed by the executive director.

B. Aircraft parked on areas of leased airport property shall be under the lessee's control and liability.

C. Parking of aircraft on the airline and airfreight terminal ramps at the Nashville Metropolitan Airport is to comply with regulations of the airport master security plan, as required under Part 107 of the Federal Aviation Regulations, and is restricted as follows:

1. Aircraft of the certificated air carriers, nonscheduled supplemental air carriers and air taxi commuters, when parking at airline gate locations, are with the consent and control of the airline to which the gate is assigned.

2. Other aircraft needing to park on the airline terminal ramp to enplane or deplane passengers are to park at Gate 20, which has access into the terminal main lobby by control of an airport security officer stationed at that location. Aircraft parking at this location which is limited in size and subject to jet blast, are restricted as follows:

a. The aircraft shall park within the ramp area bounded by the terminal garden security fencing and double yellow lines painted upon the ramp surface. Aircraft are to be parked with parking brakes on and navigation lights left on during hours of darkness.

b. Aircraft entering and departing this location are to yield to other aircraft and ground service vehicles that may be traversing the outer ramp area.

c. Due to the limited space available for parking at this location, pilots are to expedite their deplaning and enplaning operations and remain with the aircraft.

d. Since this parking location provides no tiedown facilities, ground rods for refueling, or parking attendants, no fueling of aircraft is permitted, and the aircraft operator agrees to waive any rights to damages from the authority or its board of commissioners or agents, servants or employees, and further agrees to hold harmless in case of a

claim or suit by the owner or holder of any interest in the aircraft.

3. Aircraft parking upon the air freight terminal ramp shall park within the double yellow lines upon the ramp pavement. No part of the aircraft shall extend past the yellow lines.

D. If an aircraft is parked in an area other than that prescribed, or in a position that blocks a taxiway or a vehicle ramp service road, or within a runway or taxiway safety area, the operator of such aircraft, upon direction of the executive director, shall move the aircraft to an area so directed; if the operator refuses to comply with such direction, the executive director may tow the aircraft to such designated place at the operator's expense, and without liability for damage which may result in the course of such moving. (Prior code § 4A-1-34)

#### **2.60.430 Repair areas and restrictions.**

A. No person shall repair any aircraft, engine or component of an aircraft in any area of the airport property other than that specifically designated for such purpose by the executive director, except that minor adjustments and repairs may be performed on air carrier aircraft at gate positions on the terminal ramp when such repairs can be accomplished without inconvenience to other persons, and when such adjustment is necessary to prevent a delayed departure.

B. All persons engaged in the maintenance, repair and servicing of aircraft shall do so in accordance with the rules and regulations of the Federal Aviation Administration, National Board of Fire Underwriters, U.S. Department of Labor Occupational Safety and Health Act, airport authority, and other local governmental agencies that may be involved. (Prior code § 4A-1-31)

#### **2.60.440 Disabled aircraft.**

A. The owner or his representative, i.e., pilot or operator, shall be responsible for the prompt removal of aircraft wrecked or damaged on the airport aircraft movement areas as reasonably directed by the executive director after such aircraft has been officially released by the National Transportation Safety Board or Federal Aviation Administration Flight Standards district office representatives.

B. In case an aircraft becomes disabled while on the airport movement area, due to a flat tire, engine failure, etc., the owner or his representative shall immediately arrange for prompt removal of the aircraft by an aviation service on the airport.

C. In case the owner or his representative fails to promptly remove the wrecked, damaged or disabled aircraft, such may be removed by the executive director at

the owner's or his representative's expense without liability for damage which may result in the course of or after such removal.

D. The owner or unsightly "junk" or unairworthy aircraft parked in other than closed hangars shall be responsible for the removal of same within ninety days, or sooner if, in the opinion of the executive director, such aircraft creates an image detrimental to the appearance of the airport and aviation. (Prior code § 4A-1-33)

### **Article IV. Safety and Fire Prevention**

#### **2.60.450 Compliance with safety and fire prevention regulations.**

All persons using in any way the airport property and/or its facilities shall exercise the utmost care to guard against fire and/or injury to persons or property. (Prior code § 4A-1-38)

#### **2.60.460 Fueling operations.**

A. No person may fuel or defuel an aircraft on airport property while:

1. Its engine is running, or is being warmed by applying external heat;
2. It is in a hangar or enclosed space;
3. Passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door, the door is open, and a cabin attendant is at or near the door.

B. No person may start the engine of an aircraft on airport property if there is any gasoline or other volatile flammable liquids on the ground underneath it.

C. No person may operate a radio transmitter or receiver, or switch electrical appliances on or off in an aircraft on airport property while it is being fueled or defueled.

D. During the fueling of an aircraft on airport property, the dispensing apparatus and the aircraft must be grounded and bonded in accordance with current safety standards.

E. Each person engaged in fueling or defueling on airport property shall exercise care to prevent the overflow of fuel, and must have readily accessible and adequate fire extinguishers.

F. During the fueling and defueling of an aircraft on airport property, no persons may, within fifty feet of the aircraft, smoke or use any materials that are likely to cause a spark or be a source of ignition.

G. Each hose, funnel or appurtenance used in fueling or defueling an aircraft on airport property must be maintained in a safe, sound and nonleaking condition, and must be properly grounded to prevent ignition of volatile liquids.

H. Fire extinguishing equipment must be readily available during fueling and defueling operations.

I. A fueler must come to a full stop twenty feet from an aircraft, then directed by a person, posted as a guide, into position for servicing operation not less than ten feet from aircraft. (Prior code § 4A-1-39)

#### **2.60.470 Spillage of fuels or hazardous substances.**

A. In the event of spillage or dripping of petroleum products or any material on airport property which may cause a hazardous condition detrimental to the ground or pavement surface or an unsightly condition, the same shall be removed immediately. The responsibility for removal of such spillage or drippings shall be assumed by the operator of the equipment causing the same or by the tenant responsible for the deposit thereof.

B. No fuel, grease, oil flammable liquids, or contaminants of any kind shall be allowed to flow or be placed in any sewer or drainage system on the airport. (Prior code § 4A-1-40)

#### **2.60.480 Runway foaming specifications.**

A. The Federal Aviation Administration Advisory Circular 150/5200-4 titled "Foaming of Runways" states the following:

1. Runway foaming cannot be considered a panacea to assure that fire will not occur during an aircraft landing with a malfunctioning landing gear.

2. When this service is provided, the airport must ensure that its firefighting and rescue potential is not reduced below that which is required to comply with the airport FAA operating certification.

B. When an aircraft or a responsible official of a company or organization requests that a runway be foamed, the Nashville Metropolitan Airport CFR station will do so only under the following conditions:

1. That a stock of foam concentrate over and above that required for firefighting operations is on hand to sufficiently satisfy the runway foaming service requirements;

2. That the aircraft has sufficient fuel to await the time required for foaming that portion of a runway as requested.

**Note:** To foam a strip sixty feet wide by three thousand feet long requires thirty-five to forty minutes;

3. That the operator, owner or insurer of the aircraft shall pay the actual expenses arising from providing the runway foaming service. **Note:** To foam an area forty feet wide by two thousand feet long requires four hundred eighty gallons of foam concentrate. At the present cost of foam at eight dollars and fifty cents per gallon, this service

would cost four thousand eighty dollars. (Prior code § 4A-1-41)

#### **2.60.490 Housekeeping and fire preventative measures.**

A. All persons occupying space of the airport authority shall keep the space allotted them policed and free of rubbish and accumulation of any such material. Only approved boxes, crates, paint or varnished cans, bottles or containers shall be stored in airport buildings or hangars.

B. All floors shall be kept clean and free from fuel and oil. The use of volatile or flammable solvents for cleaning floors is prohibited.

C. Approved metal receptacles shall be removed daily by persons occupying space; drip pans shall be placed under engines and kept clean and maintained in a safe manner. An overall general appearance and cleanliness shall prevail throughout the airport complex. (Prior code § 4A-1-42)

### **Chapter 2.62**

#### **MAYOR'S OFFICE OF FILM AND SPECIAL EVENTS**

##### **Sections:**

**2.62.010 Creation.**

**2.62.020 Definitions.**

**2.62.030 Duties and powers to regulate film activities.**

**2.62.040 Duties and powers to regulate special events.**

**2.62.050 Duties and powers to regulate banner program.**

**2.62.055 Duties and powers to administer certification mark program for use of certification marks, "Music City" and "Music City, U.S.A."**

**2.62.060 Denial, revocation and right to appeal.**

**2.62.070 Enforcement.**

##### **2.62.010 Creation.**

A. Office Created—Organization—Generally. There is created the mayor's office of film and special events, which shall consist of a director, assistant director, and such other officers and employees as may be deemed necessary by the director. The director shall be appointed by the mayor and shall be an unclassified service employee.

B. Powers and Functions of Office—Generally. The mayor's office of film and special events shall promote economic development in the metropolitan Nashville and

Davidson County area by facilitating the development and growth of film activity and special events by:

1. Attracting and facilitating film activity and special events;
2. Regulating that activity through a centralized permit system;
3. Maintaining a master calendar of filming and special events;
4. Sponsoring selected special events with in-kind support;
5. Facilitating the promotion of public events through a banner program;
6. Initiating, promoting, financing, obtaining sponsorship for and executing special events.

C. Duties of Director—Generally.

1. The director shall perform the executive functions of the office.
2. The director shall have the authority to promulgate rules and regulations consistent with the powers and functions of the office.
3. The director shall be responsible for collecting fees and issuing permits to applicants in compliance with the terms of this chapter.
4. The director shall have authority to close streets to the extent required by an approved special event or filming activity, provided that the director receives a favorable recommendation from the department of public works and the metropolitan police department.

The director shall request the recommendation of the department of public works and the metropolitan police department, which shall review a request based on the following criteria:

- a. Whether the proposed street closure will unduly burden either pedestrian or vehicular traffic over the public rights-of-way; and
- b. Whether the proposed street closure will significantly impede or hinder a route necessary for emergency vehicles.

Special events or filming activities which require street closures for more than ten days may only be authorized by a resolution of the metropolitan council.

5. The director shall have the authority to enter into film location agreements (“licenses”) with parties desiring to use metropolitan government property for the purposes of filming or photographing, except where under the Charter other boards and commissions have the exclusive authority to enter into such agreements. These licenses shall be subject to the approval of the board, commission or department head directly responsible for the property. Each license shall be subject to the approval of the department of insurance and a metropolitan attorney, and shall be filed in the office of the metropolitan clerk. Fees

for the use of the property shall be established by the director, and the board of parks and recreation or the board of education where appropriate, to ensure that the metropolitan government is reimbursed for any costs incurred by the granting of each license.

D. Duties of the Assistant Director—Generally. The assistant director shall assist applicants in:

1. Completing applications for filming permits, special event permits and banner permits;
2. Serving as the liaison between the applicant and all metropolitan government departments involved in the special event or film activity;
3. Gathering information regarding all special events and film activity, and maintaining a master calendar of such events for the city;
4. Identifying locations for special events, filming and the placement of banners. (Ord. 99-1591 § 1, 1999; Ord. 98-1127 § 1, 1998; Ord. 97-983 § 1 (part), 1997)

## **2.62.020 Definitions.**

As used in this chapter:

“Applicants” means those persons responsible for the organization of the proposed special event or filming, and who have applied for a special event or filming permit.

“Established special event” means a special event which has occupied an identifiable time and place for the past two years running and which may reasonably be expected to occupy that time and place in the upcoming year.

“Filming” means activity attendant to staging or shooting motion pictures, television programs (except current news programs), commercials and music videos.

“Metropolitan events” are public events directly related to a recognized function of the metropolitan government and which are in substantial part initiated, financed and executed by the city.

“Person” means an individual, or a corporation, firm, partnership, association, organization or any other group acting as a unit.

“Special event” means a temporary outdoor public gathering reasonably expected to attract more than seventy-five participants and spectators, and which involves one or more of the following on public property or on private property where otherwise prohibited: (1) closing a street; (2) restricting access to public property; (3) sale of merchandise, food, or beverage; (4) erection of a tent larger than four hundred square feet; (5) installation of a stage, band shell, grandstand, bleacher, trailer, van or portable toilets for public use.

“Street” means any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto, sidewalks or other public

rights-of-way within the metropolitan government area. (Ord. 97-983 § 1 (part), 1997)

#### **2.62.030 Duties and powers to regulate film activities.**

A. Permit Required. A permit is required for a filming activity when:

1. The activity involves the use of public property or impacts the public right-of-way; including but not limited to: on street parking, interruption of vehicular or pedestrian traffic flow; placement of flats, lights, cameras or other equipment on public property; or

2. The activity involves filming on public property.

No person shall allow or conduct filming activities as referenced above, without a permit from the mayor's office of film and special events. Any violations of this requirement shall be handled in accordance with the enforcement provisions of 2.62.070.

B. Procedures for Film Permit Application—Deadlines.

1. Applications for filming permits shall be filed no later than three days prior to filming. Applications filed less than three days in advance shall be handled on a case-by-case basis, and may be approved where the tardiness of the application neither detracts from the filming, nor overburdens the office or any other metropolitan government office, agency or property.

2. The application for a film permit shall be forwarded to all affected departments immediately. The assistant director shall review the application and the recommendations of the various departments, and shall advise the director as to the merits of the application.

3. The director may approve or deny the application, or approve the application with conditions relating to the factors listed in subsection D of this section. The director's approval shall be contingent on the applicant's compliance with the insurance, indemnification and security requirements of subsection G of this section.

C. Film Permit Application—Information Required. The application for a film permit shall contain the following information, as well as any information deemed reasonably necessary by the director to determine whether the filming activity complies with the requirements of this chapter:

1. The proposed time, date and location of the filming;

2. A brief narrative description of the proposed filming;

3. A list of persons responsible for film activity, and reliable means of contacting those persons;

4. A list of any street closings are requested;

5. A brief statement detailing whether utility services, such as electricity or water, will be required;

6. Whether any "no parking" signs are to be posted, or parking meters covered.

D. Evaluation of Permits. In evaluating a permit application, the director shall consider:

1. Whether the applicant has complied with the requirements of this code and rules promulgated by the director;

2. The extent of the filming activity's demand on metropolitan government's support services;

3. The ability of the organizers to execute the planned filming activity;

4. The impact on vehicular and pedestrian traffic and safety.

E. Other Metro Permits Required. The fact that a permit is issued under this chapter, or is not required by this chapter, shall not replace or render unnecessary any other permit required by law. Although the office may assist in or offer advice concerning other permits, other permits required by the metropolitan government must be applied for and secured separately.

F. Payment of Fees. The permit application must be accompanied by the payment of a thirty-dollar processing fee, in the form of a check or money order payable to the mayor's office of film and special events.

G. Other Permit Considerations.

1. Insurance. Bonds and insurance may be required pursuant to the rules and regulations promulgated by the director in agreement with the safety and insurance department of the metropolitan government.

2. Indemnification. The applicant must execute a written agreement to indemnify the metropolitan government and its officers and employees against all claims of injury or damage to persons or property, arising out of the special event or filming.

3. Priority. Where applications to use facilities overlap or conflict, preference shall be given to that application which was filed earliest, provided that no special event or filming permit shall be approved which would displace an "established special event" from its customary time and place.

4. Off-duty police personnel or vehicles must be hired or utilized in accordance with all ordinances, regulations or policies governing such activity. (Ord. 97-983 § 1 (part), 1997)

#### **2.62.040 Duties and powers to regulate special events.**

A. Permit Required or Not Required.

1. A permit is required for a special event when the special event involves the use of public property or impacts the public right-of-way.

2. A permit is required for a metropolitan event.

3. A permit is required for a special event when the special event is held on public property, except in the following instances:

a. When the event is held at the Nashville Convention Center; or

b. When the event is held at a facility owned by the sports authority of the metropolitan government of Nashville and Davidson County; or

c. When the event is held at the Municipal Auditorium; or

d. When the event is wholly contained within the property controlled by the metropolitan board of parks and recreation, unless it is determined by the director of parks and recreation, that the event will likely have a significant impact on vehicle or pedestrian traffic outside the park, in which case the director of parks shall require the event holder to obtain a special events permit in addition to any permits required by the department of parks and recreation.

No person shall allow or conduct a special event as referenced above, without a permit from the mayor's office of film and special events. Any violations of this requirement shall be handled according to the enforcement provisions of Metropolitan Code of Laws Section 2.62.070.

**B. Procedures for Special Event Permit Application—Deadlines.**

1. Applications for special event permits shall be filed no earlier than one year prior to the event, and no later than forty-five days prior to the event. Applications filed less than forty-five days in advance shall be handled on a case-by-case basis, and may be approved where the tardiness of the application neither detracts from the planning of the event, nor overburdens the office, nor any other metropolitan office, agency or property. Late applications which are approved shall be subject to a fifty-dollar late fee.

2. Upon receipt of an application the assistant director shall process the information and distribute it to the departments affected by the special event. The departments shall have ten working days to review the application and shall then return it to the assistant director with a recommendation for approval, approval conditioned on the adaptation of changes, or denial, based on the event's compliance or potential for compliance with that department's rules and regulations. In the event a department recommends denial of a permit, that denial shall be accompanied with a list of specific reasons for the

decision, and suggestions how to bring the event into compliance with that department's rules, regulations and law.

3. The assistant director shall review the application and the recommendations of the various departments, and shall advise the director as to the merits of the application.

4. The director may approve or deny the application, or approve the application with conditions relating to the factors listed in subsection D of this section. The director's approval shall be contingent on the applicant's compliance with the insurance, indemnification and security requirements of subsection G of this section.

**C. Permit Application—Information Required.** The application for a special event permit shall contain the following information, as well as any information deemed reasonably necessary by the director to determine whether or not the event or filming complies with the requirements of this chapter:

1. The proposed time and location of the special event;

2. A brief narrative description of the proposed special event;

3. A list of persons responsible for planning the special event, and reliable means of contacting those persons;

4. The estimated attendance of the special event;

5. Whether food or alcoholic beverages will be served at the special event;

6. A list containing details of any temporary outdoor structures, signs or banners which are proposed;

7. A list of any street closings requested;

8. A brief statement detailing whether utility services, such as electricity or water, will be required.

**D. Evaluation of Permits.** In evaluating a permit application, the director shall consider:

1. Whether applicant has complied with the requirements of this code and rules promulgated by the director;

2. The ability of the event organizers to successfully execute the planned special event;

3. Wear and tear on public facilities, especially those which are frequently the site of such events;

4. The impact on vehicular and pedestrian traffic and safety.

**E. Other Metro Permits Required.** The fact that a permit is issued under this chapter, or is not required by this chapter, shall not replace or render unnecessary any other permit required by law. Although the office may assist in or offer advice concerning other permits, other permits required by the metropolitan government of Nashville and Davidson County must be applied for and secured separately.

F. Payment of Fees. The permit application for special events, except for metropolitan events, must be accompanied by the payment of a thirty-dollar processing fee, in the form of a check or money order payable to the mayor's office of film and special events.

G. Other Permit Considerations.

1. Insurance. Bonds and insurance may be required pursuant to the rules and regulations promulgated by the director in agreement with the safety and insurance department of the metropolitan government.

2. Indemnification. The applicant must execute a written agreement to indemnify the metropolitan government and its officers and employees against all claims of injury or damage to persons or property, arising out of the special event.

3. Security Plan Required. The applicant must work with the designated representative from the metropolitan police department in designing a plan for security at the event. The plan shall be reasonable in light of the number of participants and the nature of the event. Off-duty police personnel or vehicles must be hired or utilized in accordance with all ordinances, regulations or policies governing such activity.

4. Sanitation Deposit. If the director anticipates attendance to be greater than one thousand persons, then the applicant shall post a five-hundred-dollar sanitation deposit which shall be refunded if the applicant restores the area to its condition prior to the festival. If the applicant fails to restore the property to its prior condition, then the applicant shall be liable to the metropolitan government for any costs incurred in restoring the property after the event. Surrender of the deposit in no way relieves the applicant of the responsibility for any costs incurred by the metropolitan government in excess of the five-hundred-dollar deposit.

5. Priority. Where applications to use facilities overlap or conflict, preference shall be given to that application which was filed earliest, provided that no special event or permit shall be approved which would displace an established special event from its customary time and place. (Ord. 97-983 § 1 (part), 1997)

**2.62.050 Duties and powers to regulate banner program.**

A. Power to Regulate Banner Program. The mayor's office of film and special events shall also be responsible for placement of banners on utility poles throughout the downtown area of metropolitan Nashville and Davidson County.

B. Application Process.

1. Application for banner placement should be made at the office of film and special events.

2. The office will schedule the hanging of banners on a first-come, first-served basis. The mayor's office of film and special events will take reservations for utility pole use up to one year in advance of the event.

3. To ensure that banners are hung properly, artwork and plans should be submitted to the mayor's office of film and special events at least six weeks prior to the date that the banners will be hung. If the sponsoring group does not carry through with its intention to utilize the utility poles, the office reserves the right to revoke approval of that group's use of the poles and to grant use of the poles to others. All deposits will be forfeited.

C. Advertisers. Authorization to place banners on utility poles on city streets will be restricted to organizations advertising cultural, entertainment, artistic and sporting events or other matters of public interest. No advertisement of businesses, products or other private and personal messages will be allowed on side-mounted pole banners. The event being advertised will be the dominant message on the banner with any message from the corporate sponsor covering a minor portion of the banner's surface.

D. Fees and Deposits. The fee for the installation and removal of banners will be twelve dollars per pole, payable by check or money order to the mayor's office of film and special events. The total cost of hanging all banners requested will be paid at the time of the application.

E. Duration. Banners may be put in place no more than two weeks prior to the advertised event and must be removed within one week after the close of the event. Banners may be picked up at the metropolitan department of public works after the banners are removed from the poles. Banners will be kept for a period of thirty days after which any unclaimed banners will be disposed of or destroyed.

F. Reservation for Use by the Metropolitan Government. The mayor's office of film and special events reserves the right to place publicly owned banners of general interest on utility poles at any time poles are not otherwise in use. (Ord. 97-983 § 1 (part), 1997)

**2.62.055 Duties and powers to administer certification mark program for use of certification marks, "Music City" and "Music City, U.S.A."**

A. Definitions.

"License" means an agreement between the metropolitan government and a qualified user that sets forth the terms for using the marks.

"Marks" means the certification marks "Music City" and "Music City, U.S.A."

“Nashville Metropolitan Statistical Area” or “Nashville MSA” means and includes the counties of Cheatham, Davidson, Dickson, Williamson, Rutherford and Sumner, Tennessee.

“Qualified user” means persons or businesses involved in providing goods and services that include recorded musical products, cassettes, records, music videos, compact discs, live musical entertainment services, music publishing services, music recording and production services, radio and television musical production services, and radio and television musical broadcasting services located in the Nashville MSA, who meet the criteria set forth in subsection D of this section.

B. Power to Administrator Certification Mark Program. The mayor’s office of film and special events shall be responsible for all administration concerning the grant, denial, or termination of using the marks, “Music City” and “Music City, U.S.A.” for users that meet the criteria set forth in subsection D of this section.

C. Application Process.

1. All applications for using either “Music City” or “Music City, U.S.A.” should be made at the office of film and special events.

2. The office of film and special events shall be empowered to collect application fees and renewal fees in such amounts as are established by the office of film and special events, and approved by resolution of the metropolitan council.

3. Applications shall be approved by a subcommittee of the mayor’s film advisory board that meets monthly, or at such times as are necessary, provided the applicant meets the criteria set forth in subsection D of this section.

4. Appeals from the denial of an application for using the marks “Music City” or “Music City, U.S.A.” shall be made in writing to the mayor’s film advisory board and scheduled for a hearing at one of its regularly scheduled meetings.

D. Certification Mark Criteria. The certification criteria used in determining whether to issue a license to use the marks “Music City” or “Music City, U.S.A.” shall be as follows:

1. Is the company or organization that is providing the services/goods headquartered in the Nashville MSA or does it otherwise have a significant place of business in the Nashville MSA where decisions regarding the content and quality of the services/goods to be certified are made?

2. Are the services/goods being provided by means of entertainers, producers, or other persons who have their primary residences or primary place of business in the Nashville MSA?

3. Are the facilities of Nashville MSA-based production, recording, or broadcasting studios being primarily used to originate the services?

4. To what extent, in marketing and advertising the services or goods, are they directly tied to the Nashville MSA as their origin? Conversely, are there attempts in marketing or advertising the services or goods to connect them to some geographic area other than Nashville MSA?

E. Contents of Application. The contents of the application shall be on such forms as may be promulgated by the metropolitan department of law and at a minimum must require the applicant to: (1) submit a specimen showing exactly how and in what form the mark will be used; and (2) an application fee for administering processing of applications for use of the marks.

F. Grant of License. The office of film and special events shall be empowered to grant revocable one year licenses with a right to renew the same for additional terms not exceeding one year, unless terminated pursuant to subsection G of this section. All renewals granted hereunder shall be conditioned on the licensee certifying in its renewal application that all facts in the license are true and correct and that there have been no changes in the application submitted to the office of film and special events at the time of such renewal.

G. Immediate Termination of License. In addition to such other rights of termination as may be set forth in the license, the metropolitan government, through the office of film and special events, shall have the right to immediately terminate a license by giving written notice to the qualified user if the qualified user uses the marks in a manner that is in any way inconsistent with the terms of the license.

H. Fee Approval. All fees assessed by the mayor’s office of film and special events hereunder must be approved by resolution of the metropolitan council that receives at least twenty-one affirmative votes. (Amdt. 1 with Ord. 98-1127 §§ 2, 3, 1998)

**2.62.060 Denial, revocation and right to appeal.**

A. Denial and Revocation of Permits. The director may revoke a permit if the operation of the special event, filming or banner permit is in violation of this code or any other applicable law, or if the applicant has submitted false or misleading information material to the permit application, or if such revocation is necessary to preserve the health or safety of the public. Written notice of the director’s intent to revoke the permit shall be mailed or delivered to the applicant, and the applicant shall have an opportunity to be heard on the issue, provided that the director may summarily suspend a permit where necessary



to prevent an immediate threat to the health, welfare or safety of the public.

B. Denial and Revocation—Appeal. Any party whose application for a permit has been denied, or whose permit has been revoked, may appeal the decision to the special committee of the mayor's film and special events advisory board. The director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to the special committee of the mayor's film and special events advisory board, within ten days of the receipt of the notice. The special committee shall convene and hold a hearing within thirty days of receiving notice of the applicant's or permit holder's appeal. (Ord. 97-983 § 1 (part), 1997)

#### **2.62.070 Enforcement.**

A. Offenses. A person commits an offense of this chapter if he commences or conducts filming or a special event:

1. Without a film or special event permit; or
2. In violation of any provision of a film or special event permit, this chapter, or any other ordinance or applicable law.

B. Penalty.

1. A person who violates a provision of this chapter or a requirement of a special event permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

2. Each offense is punishable by a fine not to exceed five hundred dollars for a violation of a provision of this chapter or a requirement of a filming or special event permit. (Ord. 97-983 § 1 (part), 1997)

### **Division II. Boards and Commissions**

#### **Chapter 2.64**

#### **ORGANIZATION AND OPERATION OF BOARDS AND COMMISSIONS**

##### **Sections:**

**2.64.010**Applicability of chapter provisions.

**2.64.020**Establishment of divisions and other units.

**2.64.030**Rules and regulations for functions and personnel.

**2.64.040**Election of officers—Certification of organization.

**2.64.050**Organization and internal management.

#### **2.64.010 Applicability of chapter provisions.**

This chapter shall be applicable to only such boards and commissions as receive all or a part of their operating revenue from funds appropriated by the metropolitan council and are subject to the provisions of Article 12 of the Metropolitan Charter. (Prior code § 2-1-48)

#### **2.64.020 Establishment of divisions and other units.**

Each board or commission of the metropolitan government, by rules and regulations, shall establish such divisions and other units as are provided by the Metropolitan Charter and any other divisions, sections and other units which may be necessary to maintain the proper function and operation of each respective board or commission. (Prior code § 2-1-50)

#### **2.64.030 Rules and regulations for functions and personnel.**

Each board or commission of the metropolitan government shall prescribe by rules and regulations the functions of the various divisions, sections and units, officers and employees of such board or commission, and define the duties and responsibilities of all its employees. (Prior code § 2-1-51)

#### **2.64.040 Election of officers—Certification of organization.**

Within a reasonable time after its appointment by the mayor, each board or commission shall organize itself by the election of one of its members as chairman and another as vice-chairman, as provided by Section 11.105 of the Metropolitan Charter, and, upon its organization as specified herein, each board or commission shall succeed to the rights, powers, duties and obligations of its predecessor board or commission and such predecessor board or commission shall then cease to exist. The chairman of each board or commission shall certify the organization of such board or commission by letter to the metropolitan clerk, listing the officers of the board or commission and the date of their election. (Prior code § 2-1-49)

#### **2.64.050 Organization and internal management.**

A. Each board or commission having authority under the Metropolitan Charter to do so shall prepare and make available to all its employees the rules and regulations relating to the organization and internal management of such board or commission which shall include, but shall not be limited to:

1. The organizational structure of the board or commission, including a chart or table of organization therefor;

2. The positions within the organizational structure of the board or commission;

3. A pay schedule for the various offices and positions under the administrative direction and authority of such board or commission;

4. The duties and responsibilities of the various offices and positions of the board or commission;

5. The rules which will govern the general policies of the board or commission.

B. All of the rules and regulations provided for herein shall become effective only after approval of the mayor, upon recommendation by the board or commission involved, except as otherwise provided in the Metropolitan Charter. All such regulations, before being submitted to the mayor, shall be approved by the director of law as to form and legality, and they shall become effective upon being approved by the mayor. A copy of all rules and regulations pertaining to the compensation of personnel or other expenditure of funds shall be delivered to the director of finance for his information and for his action, if required.

C. All rules and regulations of administrative boards and commissions pertaining to personnel shall protect such employment status as has been required by provisions of the Metropolitan Charter, and nothing in such rules and regulations shall impair or diminish the rights and privileges of employees of the former city of Nashville or of Davidson County under civil service, as provided by the Metropolitan Charter.

D. All rules and regulations of administrative boards and commissions pertaining to personnel shall protect such status as may be established by the provisions of the civil service rules and classifications and pay plans of the metropolitan government, and nothing in the rules and regulations of such boards and commissions shall impair or diminish the rights and privileges of employees who may have civil service status.

E. Each board and commission shall cause certified copies of the rules and regulations of the board or commission, as provided in this section, to be filed with the department of personnel and with the metropolitan clerk. Such rules and regulations shall be a public record.

F. The metropolitan clerk shall maintain a list of the names of the official recordkeeper for every board and commission of the metropolitan government. (Amdt. 1 with Ord. 96-525 § 1, 1996; Ord. 96-525 § 1, 1996; Ord. 92-321 § 1, 1992; prior code § 2-1-52)

## **Chapter 2.68**

### **MEETINGS OF BOARDS AND COMMISSIONS**

#### **Sections:**

#### **2.68.010 Regular and special meetings—**

##### **Location—Open to public.**

#### **2.68.020 Public notification of meetings.**

#### **2.68.010 Regular and special meetings—**

##### **Location—Open to public.**

A. Each board or commission of the metropolitan government shall hold its regular and special meetings in a suitable place in one of the buildings of the metropolitan government. All meetings of metropolitan boards and commissions shall be open to the public.

B. No meeting of any board or commission of the metropolitan government shall be held on private property, but shall be held in public buildings owned by the metropolitan government. Provided, however, a board or commission may hold meetings in private buildings or on private property if such board or commission is specifically permitted to hold such meetings by a contract or lease agreement approved by ordinance adopted by the council. (Ord. BL2001-608 § 1, 2001; prior code § 2-1-47)

#### **2.68.020 Public notification of meetings.**

A. Each board or commission of the metropolitan government shall develop a policy, approved by the department of law, for providing adequate notice of all board or commission meeting dates, times, locations and agendas. Such policy shall include a procedure for submitting such information to the department of information systems for posting on the website calendar as provided in Section 2.24.150 of this code.

B. In addition to publication on the metropolitan website as provided in subsection A of this section, the metropolitan government, each Friday, shall make available to all newspapers of general circulation published in Davidson County a calendar of all meetings of the boards and commissions of the metropolitan government scheduled for the following week, including the dates, times, locations and agendas of the boards and commissions. The publication and notification requirement contained in this section shall not prevent a board or commission from holding a meeting on shorter notice in the event of an emergency, nor shall the provisions of this section prevent the benefit board from adding individuals to the agenda of any meeting of the benefit board so long as the subject matter of the addition to be considered by the board only concerns the individual requesting to be

added. For purposes of this subsection, “emergency” means any circumstance where compliance with the notice provision in this section would result in significant financial harm to the metropolitan government or applicant, and where neither the metropolitan government nor the applicant is responsible for the delay.

C. Any member of the public, upon request, shall be entitled to receive written notice by mail of the meeting date, time, location and agenda of any board or commission of the metropolitan government. Each board or commission shall maintain a list of all such persons requesting written notice and shall mail and/or e-mail such written notice in conformity with the policy adopted pursuant to subsection A of this section. Should a person fail to receive written notice as provided in this subsection, this shall not be considered lack of adequate public notice so long as all other means for notification required by state law or other applicable law have been satisfied.

D. The public notice requirements provided in this section shall be in addition to any other public notice provisions required by state law or any other applicable law or regulation. (Ord. BL2004-245 § 2, 2004)

## **Chapter 2.72**

### **ETHICAL STANDARDS**

#### **Sections:**

- 2.72.010**      **Applicability of chapter provisions.**
- 2.72.020**      **Conflicts of interest—Disclosure or disqualification.**
- 2.72.030**      **Representation for compensation.**
- 2.72.040**      **Exercising improper influence of office.**
- 2.72.050**      **Voting or taking other action under improper influence.**
- 2.72.060**      **Deriving unjustified enrichment from office—Prohibited activities.**
- 2.72.070**      **Contract restrictions.**
- 2.72.080**      **Affirmative responsibilities.**
- 2.72.090**      **Board of ethical conduct—Authority and responsibilities.**

#### **2.72.010      Applicability of chapter provisions.**

This chapter shall apply to all members of boards and commissions of the metropolitan government, whether created by the Metropolitan Charter, established by ordinance of the metropolitan council, or appointed by the mayor or vice-mayor. (Prior code § 2-1-47.1)

#### **2.72.020      Conflicts of interest—Disclosure or disqualification.**

A. Whenever a board member has or is likely to have a conflict of interest in connection with a matter pending before his particular board, he shall either:

1. Disqualify himself from further action on the matter, in which event he need not disclose the reason for his disqualification; or
2. Disclose fully the nature of his conflict of interest, in which event he may continue to participate in the deliberations and to vote on the matter.

B. Whenever a board member has or is likely to have a conflict of interest in connection with any official matter other than one pending before the particular board, he shall either:

1. Disqualify himself from further participation in the proceeding; or
2. Conduct himself in accordance with an advisory opinion or judicial determination of the board of ethical conduct. (Prior code § 2-1-47.7)

#### **2.72.030      Representation for compensation.**

A board member shall not, either in person or through an affiliate, represent any person or firm before the board on which he is a member. (Prior code § 2-1-47.6)

#### **2.72.040      Exercising improper influence of office.**

A board member shall not exert, or attempt to exert, influence which derives from his position as board member and which interferes with the performance of an official function by an officer or agency of metropolitan government or with the independent exercise of judgment and discretion by the officer or agency in the performance of an official function, unless the exercise or influence is within the legal authority of the office of board members. (Prior code § 2-1-47.5)

#### **2.72.050      Voting or taking other action under improper influence.**

A board member shall not vote or take any other action in his official capacity under the influence of a benefit of the type specified in Section 2.72.060, which is received by, promised to or expected by himself or any other person designated in his behalf, regardless of the intention of the parties at the time the benefit was received or promised. (Prior code § 2-1-47.3)

#### **2.72.060      Deriving unjustified enrichment from office—Prohibited activities.**

A. A board member shall not derive or attempt to derive any unjustified enrichment from his office. This section forbids:

1. The solicitation or acceptance of any bribe, or any gift or other economic benefit, or of any promise of similar benefit, which he believes or reasonably should believe was intended to influence his vote or other action to be taken in his official capacity; or

2. The solicitation or acceptance of any gift or other economic benefit conferred because of any vote or other action in his official capacity already taken by him; or

3. The acquisition or use for personal purposes of any property, services or funds of metropolitan government, unless authorized by law; or

4. The use for personal gain of information pertaining to metropolitan government which is not a matter of common knowledge, at a time when it is treated as confidential by metropolitan government.

B. A board member shall not solicit or arrange for a benefit of any type prohibited in subsection A of this section to be conferred on any other person. (Prior code § 2-1-47.2)

#### **2.72.070 Contract restrictions.**

A board member shall not enter into, nor derive any benefit, directly or indirectly, from any contractual arrangement with the particular board, agency or commission of which he is a member. (Prior code § 2-1-47.4)

#### **2.72.080 Affirmative responsibilities.**

A. A board member shall promptly report to the district attorney general any solicitation amounting to an attempt to bribe him.

B. In the spirit of these standards of ethical conduct, a board member shall constantly bear in mind:

1. The advisability of avoiding the creation of an appearance, or the raising of a suspicion, that he is engaged in or is likely to engage in conduct that is in violation of the standards set forth in this chapter; and

2. The prudence of using careful foresight to insure that he is not placed in a situation which will subject him to undue temptation to violate the standards. (Prior code § 2-1-47.8)

#### **2.72.090 Board of ethical conduct—Authority and responsibilities.**

The board of ethical conduct, created pursuant to Ordinance 74-1055 (See Article II of Chapter 2.04 of this code), shall have the authority to review complaints lodged against members of boards and commissions and to issue advisory opinions as requested by members of boards and commissions. Those responsibilities of the board of ethical conduct as in regard to members of the metropolitan council shall likewise be applicable to members of boards and commissions of the metropolitan government. Those procedures established for the functioning of the board of

ethical conduct shall also apply to members of boards and commissions. Those powers and responsibilities vested in the metropolitan council with regard to reviewing the action of the board of ethical conduct shall likewise be applicable to members of boards and commissions. (Prior code § 2-1-47.9)

### **Division III. Boards**

#### **Chapter 2.76**

#### **BOARD OF ELECTRICAL EXAMINERS AND APPEALS**

##### **Sections:**

<b>2.76.010</b>	<b>Created.</b>
<b>2.76.020</b>	<b>Appointment and qualifications of members.</b>
<b>2.76.030</b>	<b>Term of office—Maximum number of terms.</b>
<b>2.76.040</b>	<b>Organization and officers.</b>
<b>2.76.050</b>	<b>Compensation—Removal conditions.</b>
<b>2.76.060</b>	<b>Replacement of members.</b>
<b>2.76.070</b>	<b>Rules and regulations for conduct of business.</b>
<b>2.76.080</b>	<b>Powers and duties.</b>
<b>2.76.090</b>	<b>Meetings and hearings—Notice of examinations or hearings.</b>
<b>2.76.100</b>	<b>Number of votes required for certain action.</b>
<b>2.76.110</b>	<b>Conflicts of interest.</b>
<b>2.76.120</b>	<b>Appeals of decisions on electrical matters.</b>
<b>2.76.130</b>	<b>Appeals—Filing requirements.</b>
<b>2.76.140</b>	<b>Appeals—Decision procedures and recordkeeping.</b>

##### **2.76.010 Created.**

There is created a board of electrical examiners and appeals. (Prior code § 14-1-15)

##### **2.76.020 Appointment and qualifications of members.**

The mayor shall appoint, reappoint or replace such seven-man board, subject to confirmation by the metropolitan council, such board to be composed of the following:

A. One electrical contractor (nonunion) from a list of two or more persons recommended by the Nashville Independent Electrical Contractors Association;

B. One electrical contractor (union) from a list of two or more persons recommended by the Nashville Chapter of the National Electrical Contractors Association;

C. One electrician (nonunion) to be appointed at the discretion of the metropolitan mayor;

D. One electrician (union) to be appointed at the discretion of the metropolitan mayor;

E. One electrical engineer registered by the state from a list of two or more electrical engineers recommended by registered (electrical) engineers residing in the metropolitan government area;

F. Two members from the public at large, to be appointed at the discretion of the metropolitan mayor;

G. One heating and air-conditioning contractor from a list of two or more persons recommended by the Nashville Heating and Air Conditioning Contractors Association;

H. One low-voltage contractor, to be appointed at the discretion of the metropolitan mayor;

I. In addition to the membership of the board as established above, the chief or senior electrical inspector shall be a nonvoting member, and shall advise and counsel with the board and be invited to all meetings of the board. (Ord. 91-1558 §§ 1, 2, 1991; Ord. 89-792 § 1, 1989; prior code § 14-1-16)

#### **2.76.030 Term of office—Maximum number of terms.**

Of the seven members of the board of electrical examiners and appeals first appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, two shall be appointed for a term of three years, and one shall be appointed for a term of four years; provided, that the two metropolitan electrical contractors' terms shall not expire at the same time and the two electricians' terms shall not expire at the same time. Thereafter, each member shall be appointed for a term of four years and shall serve until his successor is appointed, except that no members shall serve for more than two consecutive four-year terms. (Prior code § 14-1-17)

#### **2.76.040 Organization and officers.**

A. Within ten days following its appointment, the board of electrical examiners and appeals shall meet and organize itself by election of one of its members as chairman and another as vice-chairman. The chairman and vice-chairman shall each serve in their respective capacities for a period of one year unless subsequently elected to serve for a longer period.

B. The director of codes administration, or his duly authorized representative, shall serve as secretary to the board and shall be custodian of the minutes and records of the proceedings of the board. The director shall be an ex

officio member of the board and shall not have a vote on any matter under consideration by the board. (Prior code § 14-1-18)

#### **2.76.050 Compensation—Removal conditions.**

All members of the board of electrical examiners and appeals shall serve without compensation, and may be removed from the board by the mayor for any continued absence from the meetings of the board, physical disability, or other just cause. (Prior code § 14-1-19)

#### **2.76.060 Replacement of members.**

No person can be appointed, replaced or reappointed to the metropolitan board of electrical examiners and appeals unless such person has been recommended to the mayor in accordance with subsections (A) through (H) of Section 2.76.020. Any person appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term according to the procedures set forth above. (Prior code § 14-1-20)

#### **2.76.070 Rules and regulations for conduct of business.**

The board of electrical examiners and appeals shall adopt such rules and regulations as it may deem necessary to properly conduct its business; provided, that all such rules and regulations shall be explicitly set forth in writing and shall not become effective until approved by the mayor. Copies of all rules and regulations shall be filed with the metropolitan clerk. (Prior code § 14-1-21)

#### **2.76.080 Powers and duties.**

The board of electrical examiners and appeals shall have the following powers and duties:

A. The board shall examine all applicants for a master electrician's, equipment installer's and low-voltage wiring installer's license and, upon the successful completion of such examination and payment of the required licensure fee, shall issue to each applicant an appropriate license. The board shall also examine applicants for home owner permits.

B. The board, in open meetings, shall hear all appeals under the provisions of this chapter and Chapters 6.20, 6.40 and 16.20, from any decision or ruling of the director of codes administration. The board, when so appealed to and after a hearing, may vary the application of any provision of this chapter and Chapters 6.20, 6.40 and 16.20 to any particular case when, in its opinion, the strict enforcement thereof would do manifest injustice and would be contrary to the spirit and purposes of this chapter

or public interest, and when, in its opinion, the interpretation of the director should be modified.

C. The board may, upon presentation of satisfactory evidence in the form of materials tests and technical data, approve the use under this chapter and Chapters 6.20, 6.40 and 16.20 any new electrical material or method of installation not specifically covered or allowed by this chapter and Chapters 6.20, 6.40 and 16.20. A public hearing, at a time and place set by the board, shall be held prior to approval or disapproval by the board of any proposed new electrical material or method of construction. Such hearing shall be conducted according to the rules of the board established for such hearings.

D. The board shall have the authority to revoke or suspend any licensure issued by such board according to the procedures as set forth in Section 6.20.120 of this code. (Ord. 91-1558 §§ 3, 4 (part), 1991; prior code § 14-1-22)

#### **2.76.090 Meetings and hearings—Notice of examinations or hearings.**

A. The board of electrical examiners and appeals shall establish regular stated meeting dates, at least one per calendar quarter, for the conduct of its normal business activities, and may meet in special session on any matter before the board on call by the chairman. All meetings of the board shall be open to the public, and shall be open to the public and shall be held in a building under the jurisdiction of the metropolitan government. The board shall conduct a hearing on each petition brought before the board within a reasonable period following notification of such petition, and in no event shall such hearing be more than thirty days following receipt of an application for examination or notice of appeal.

B. Written notice, setting forth the time and place of an examination or hearing, shall be given each applicant or petitioner not less than seven days prior to such examination or hearing, except that the board, at its discretion, may limit such time to not more than forty-eight hours as set forth in Section 6.20.120 of this code.

C. Five members of the board of electrical examiners and appeals shall be necessary to constitute a quorum for the conduct of business. (Ord. 92-119 § 1, 1992; prior code § 14-1-23)

#### **2.76.100 Number of votes required for certain action.**

In modifying an order of the director of codes administration or in varying the application of any provisions of this chapter and Chapters 6.20, 6.40 and 16.20, or in the approval of any new material or method of construction, or, in the event the board is required to revoke or suspend any license or approval issued by the

board, and on all other matters requiring action by the board, affirmative votes of the majority present, but not less than four affirmative votes shall be required. (Ord. 91-1558 § 4 (part), 1991; prior code § 14-1-24)

#### **2.76.110 Conflicts of interest.**

No member of the board of electrical examiners and appeals shall vote on any issue before the board in which such member may have a personal interest. (Prior code § 14-1-25)

#### **2.76.120 Appeals of decisions on electrical matters.**

Whenever the director of codes administration shall reject or refuse to approve the mode or manner of electrical system or electrical installation proposed to be followed or the materials used or proposed to be used in such electrical system or electrical installation, or in the repair or alteration of an existing electrical installation, or when it is claimed that the provisions of this chapter and Chapters 6.20, 6.40 and 16.20 do not apply, or that an equally good or more desirable form of electrical installation or material can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter and Chapters 6.20, 6.40 and 16.20 or any of the rules and regulations promulgated thereunder have been misconstrued or wrongly interpreted, the owner or his duly authorized agent or any person affected by a decision of the director may appeal from the decision of the director to the board of electrical examiners and appeals. (Prior code § 14-1-26)

#### **2.76.130 Appeals—Filing requirements.**

Notice of an appeal to the board of electrical examiners and appeals shall be in writing, setting forth the grounds for such appeal, and shall be filed with the secretary of the board within ten days after the decision is rendered by the director of codes administration. A filing fee of fifty dollars shall be paid at the time the appeal is filed with the board. (Ord. 91-1526 § 1, 1991; prior code § 14-1-27)

#### **2.76.140 Appeals—Decision procedures and recordkeeping.**

A. All decisions of the board of electrical examiners and appeals shall be in writing and shall indicate the vote of each member of the board upon the decision. Every decision of the board shall be promptly entered into the minutes of the meeting of the board and filed in the office of the director of codes administration.

B. The records of the board shall be open to public inspection, as herein provided. A certified copy of each decision of the board modifying a decision or ruling of the

director, approving or disapproving any new material or method of construction, or revoking or suspending any license or approval issued by the board shall be sent by mail or otherwise delivered to the appellant or aggrieved party, and a copy of each such decision shall be publicly posted in the office of the director for a period of two weeks after filing.

C. The board shall, in every case, render a decision without unreasonable or unnecessary delay.

D. A decision of the board varying the application of any provision of this chapter and Chapters 6.20, 6.40 and 16.20 or modifying an order of the director shall be by resolution, which shall specify in what manner such variations or modifications shall be made, the conditions upon which they are made, and the reasons therefor.

E. Any decision of the board approving a new material or method of construction shall be in writing and shall stipulate the specific conditions under which such new material or method of construction may be used. The board may limit the use of any new material or method of construction to a specified use in a single instance, or may approve such new material or method of construction for general use under this chapter and Chapters 6.20, 6.40 and 16.20 throughout the area of jurisdiction of this chapter and Chapters 6.20, 6.40 and 16.20.

F. Every decision of the board shall be final, according to the procedure herein established, subject however to such remedy as an aggrieved party may have at law or in equity.

G. When a decision of the board reverses or modifies a refusal, order or disallowance of the director, varies the application of any provision of this chapter or Chapters 6.20, 6.40 and 16.20, or approves any material or method of construction for use under this chapter and Chapters 6.20, 6.40 and 16.20, the director shall immediately take action in accordance with the board's decision. (Ord. 91-1558 § 4 (part), 1991; prior code § 14-1-28)

## **Chapter 2.80**

### **BOARD OF FIRE AND BUILDING CODE APPEALS**

#### **Sections:**

**2.80.010**Created—Scope of activities.

**2.80.020**Appointment, qualifications and term of members.

**2.80.030**Organization and officers.

**2.80.040**Compensation—Removal conditions.

**2.80.050**Replacement of members.

**2.80.060**Rules and regulations for conduct of business—Meetings and hearings.

**2.80.070**Quorum—Conflicts of interest.

**2.80.080**Variance granting authority.

**2.80.090**Appeal procedures—Filing fee.

**2.80.100**Appeal procedures—Filing time limit reduction conditions.

**2.80.110**Effect of board decisions.

#### **2.80.010 Created—Scope of activities.**

There is created a metropolitan board of building code appeals. This board shall also be the board for the metropolitan fire code. This board shall be named the board of fire and building code appeals. (Ord. 90-1253 § 5 (part), 1990; prior code § 11-1-18)

#### **2.80.020 Appointment, qualifications and term of members.**

A. The board of fire and building code appeals shall consist of nine members, who shall have been residents of the metropolitan government area for not less than one year and who shall continue to be so eligible so long as they shall serve, to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council.

B. One member of the board of fire and building code appeals shall be qualified in the field of architecture, one member in the field of civil or construction engineering, one in the field of building construction and materials, one in the field of labor, one in the field of business or finance, one in the field of mechanical engineering, and one in the field of mechanical contracting. Two members shall be qualified fire prevention specialists. Not more than two members in any of the categories listed above may serve on the board at the same time.

C. Of the seven members first appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, two shall be appointed for a term of three years, and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for a term of four years, and shall serve until his successor is appointed. No member shall serve for more than two consecutive terms. (Ord. 90-1253 § 5 (part), 1990; prior code § 11-1-19)

#### **2.80.030 Organization and officers.**

Within ten days after its appointment, the board of fire and building code appeals shall organize itself by election of one of its members as chairman and another as vice-chairman. The director of codes administration or his duly authorized representative shall serve as secretary to the board and shall be custodian of the minutes and records of the proceedings of the board. (Ord. 90-1253 § 5 (part), 1990; prior code § 11-1-20)

**2.80.040 Compensation—Removal conditions.**

All members of the board of fire and building code appeals shall serve without compensation and may be removed from membership on the board by the mayor for continued absence from meetings of the board, physical disability, or other just causes. (Ord. 90-1253 § 5 (part), 1990; prior code § 11-1-21)

**2.80.050 Replacement of members.**

Replacements for any member of the board of fire and building code appeals resigning or dismissed from the board shall be appointed by the mayor and confirmed by the metropolitan council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term. (Ord. 90-1253 § 5 (part), 1990; prior code § 11-1-22)

**2.80.060 Rules and regulations for conduct of business—Meetings and hearings.**

The board of fire and building code appeals shall adopt such rules and regulations as it may deem necessary to conduct its business. The board, in open meetings, shall hear all appeals, under this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through 16.56 of this code, from decisions and rulings of the director of codes administration and/or the metro fire marshal. The board shall meet at regular monthly intervals. The day of the monthly meeting shall be determined by the board in its rules and regulations. (Ord. 98-1445 § 2, 1998)

**2.80.070 Quorum—Conflicts of interest.**

A. Five members of the board of fire and building code appeals shall constitute a quorum. In varying the application of any provisions, or in modifying any order of the director of codes administration or fire marshal, affirmative votes of the majority present, but not less than four affirmative votes, shall be required.

B. No member of the board shall act in any case in which he has a personal interest. (Ord. 90-1253 § 5 (part), 1990; prior code § 11-1-24)

**2.80.080 Variance granting authority.**

The board of fire and building code appeals, when so appealed to and after a hearing may vary the application of any provision of this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through 16.56 to any particular case when, in its opinion, the strict enforcement thereof would do manifest injustice and would be contrary to the spirit and purposes of this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through

16.56 of this code, or public interest, and when in its opinion the interpretation of the director of codes administration and/or the metro fire marshal should be modified. (Ord. 98-1445 § 3, 1998)

**2.80.090 Appeal procedures—Filing fee.**

Whenever the director of codes administration and/or the metro fire marshal shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through 16.56 do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through 16.56 or any of the regulations hereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the director of codes administration and/or the metro fire marshal to the board of fire and building code appeals. Notice of appeal shall be in writing and filed within thirty days after the decision is rendered by the director and/or metro fire marshal. A fee of fifty dollars shall accompany such notice of appeal. (Ord. 98-1445 § 4, 1998)

**2.80.100 Appeal procedures—Filing time limit reduction conditions.**

In case of a building or structure which, in the opinion of the director of codes administration, is unsafe or dangerous, the director may, in his order, limit the time for such appeal to a shorter period. All appeals hereunder shall be filed with the department of codes administration on forms provided by the director. (Prior code § 11-1-26)

**2.80.110 Effect of board decisions.**

A. A decision of the board of fire and building code appeals varying the application of any provision of this chapter or Chapters 10.64 and Articles I and II, 16.04, 16.08 and 16.28 through 16.56 of this code or modifying an order of the director of codes administration and/or metro fire marshal shall be by resolution of the board, which shall specify in what manner such variations or modifications shall be made, the conditions upon which they are made, and the reasons therefor.

B. Every decision of the board shall be final, subject, however, to such remedy as aggrieved party or the metropolitan government may have at law or in equity. All decisions of the board shall be in writing and shall indicate the vote of each member of the board upon the decision.



Every decision shall be promptly entered into the minutes of the meeting of the board and filed in the office of the director of codes administration. The records of the board shall be open to public inspection and a certified copy of each decision shall be sent by mail or otherwise to the appellant. A copy of each decision shall be kept publicly posted in the office of the director for two weeks after filing.

C. The board shall, in every case, render a decision without unreasonable or unnecessary delay.

D. If a decision of the board reverses or modifies a refusal, order or disallowance of the director of codes administration and/or metro fire marshal, or varies the application of any provisions of this chapter and Chapters 10.64 Articles I and II, 16.04, 16.08 and 16.28 through 16.56 of this code, the director of codes administration and/or metro fire marshal shall immediately take action concerning such decision or immediately enforce the decision of the board. (Ord. 98-1445 § 5, 1998; Ord. 90-1253 § 5 (part), 1990; prior code § 11-1-28)

## **Chapter 2.84**

### **BOARD OF GAS/MECHANICAL EXAMINERS AND APPEALS**

#### **Sections:**

**2.84.010**Created.

**2.84.020**Appointment of members—

**Qualifications—Term of office.**

**2.84.030**Organization and officers.

**2.84.040**Compensation—Removal conditions.

**2.84.050**Replacement of members.

**2.84.060**Rules and regulations for conduct of business.

**2.84.070**Meetings and hearings—Notice of examinations or hearings.

**2.84.080**Quorum—Number of votes required for certain actions.

**2.84.090**Powers and duties.

**2.84.100**Conflicts of interest.

**2.84.110**Appeals of decisions on gas/mechanical matters.

**2.84.120**Appeals—Filing requirements.

**2.84.130**Appeals—Decisions of the board—Recordkeeping.

#### **2.84.010          Created.**

There is created a board of gas/mechanical examiners and appeals. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-20)

#### **2.84.020          Appointment of members— Qualifications—Term of office.**

A. The board of gas/mechanical examiners and appeals shall consist of seven members who shall have been residents or property owners of the metropolitan government area for not less than one year and who shall continue to be a resident or property owner so long as they serve, to be selected and appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council.

B. The board to be composed of the following:

1. One “registered” metropolitan mechanical contractor or certificate holder selected from a list of two or more persons recommended by the Association of Builders and Contractors;

2. One “registered” metropolitan mechanical contractor or certificate holder selected from a list of two or more persons as recommended by the Mechanical Contractor’s Association of Nashville;

3. One business person, to be appointed at the discretion of the metropolitan mayor;

4. One mechanical engineer registered by the state, selected from a list of two or more mechanical engineers recommended by the American Society of Heating, Refrigeration and Air-conditioning Engineers;

5. One person selected from the gas industry, to be appointed at the discretion of the metropolitan mayor;

6. Two heating and air-conditioning contractors of any classification, selected from a list of three or more persons recommended by the Air Conditioning Contractors Association of Nashville;

7. In addition to the membership of the board as established above, the chief or senior gas/mechanical inspector and a plans examiner shall be nonvoting members, and shall advise and counsel with the board.

C. Of the seven members first appointed, three shall be appointed for a term of two years, two shall be appointed for a term of three years and two shall be appointed for a term of four years. Thereafter, each member shall be appointed for a term of four years, and shall serve until his successor is appointed, except that no member shall serve for more than two consecutive full terms. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-21)

#### **2.84.030          Organization and officers.**

A. Within ten days following its appointment, the board of gas/mechanical examiners and appeals shall meet and organize itself by election of one of its members as chairman and another as vice-chairman. The chairman and vice-chairman shall each serve in their respective

capacities for a period of one year, unless subsequently elected to serve for a longer period.

B. The director of codes administration or his duly authorized representative shall serve as secretary to the board, and shall be custodian of the minutes and records of the proceedings of the board. The director shall be an ex officio member of the board and shall not have a vote on any matter under consideration by the board. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-22)

#### **2.84.040 Compensation—Removal conditions.**

All members of the board of gas/mechanical examiners and appeals shall serve without compensation, and may be removed from the board by the mayor for any continued absence from the meetings of the board, physical disability or other just cause. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-23)

#### **2.84.050 Replacement of members.**

Replacements of any members resigning or dismissed from the board of gas/mechanical examiners and appeals shall be appointed by the mayor and confirmed by the metropolitan council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-24)

#### **2.84.060 Rules and regulations for conduct of business.**

The board of gas/mechanical examiners and appeals shall adopt such rules and regulations as it may deem necessary to properly conduct its business, provided that all such rules and regulations shall be explicitly set forth in writing and shall not become effective until approved by the director of codes administration. Copies of all rules and regulations shall be filed with the metropolitan clerk. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-25)

#### **2.84.070 Meetings and hearings—Notice of examinations or hearings.**

A. The board of gas/mechanical examiners and appeals shall establish regular meeting date for the conduct of its normal business activities and may meet in special session on any matter before the board, on call by the chairman.

B. All meetings of the board shall be open to the public and shall be held in a building under the jurisdiction of the metropolitan government. The board shall conduct a hearing on each petition brought before the board within a reasonable period following notification of such petition,

and in no event shall such hearing be more than thirty days following receipt of an application for examination or notice of appeal.

C. Written notice, setting forth the time and place of an examination or hearing, shall be given each applicant or petitioner not less than seven days prior to such examination or hearing, except that the board, at its discretion, may limit such time to not less than forty-eight hours, as set forth in Section 16.16.610 or subsection C of Section 16.16.720 of this code. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-27)

#### **2.84.080 Quorum—Number of votes required for certain actions.**

A. Four members of the board of gas/mechanical examiners and appeals shall constitute a quorum.

B. In modifying an order of the director of codes administration, or in varying the application of any provisions of this chapter and Chapter 16.16, or in the approval of any new material or method of construction, or in the event the board is required to revoke or suspend any certificate or approval issued by the board, and on all other matters requiring action by the board, affirmative votes of the majority present, but not less than four affirmative votes, shall be required. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-28)

#### **2.84.090 Powers and duties.**

The board of gas/mechanical examiners and appeals shall have the following powers and duties:

A. The board shall examine all applicants for Master Mechanical Certificate, HVAC&R Certificate and Gas and Appliance Certificate, and upon the successful completion of such examination and payment of the required certification fee, shall issue to each applicant an appropriate certificate of registration.

B. The board, in open meetings, shall hear all appeals under the provisions of this chapter and Chapter 16.16 from any decision or ruling of the director of codes administration. The board, when so appealed to and after a hearing, may vary the application of any provision of this chapter and Chapter 16.16 to any particular case when, in its opinion, the strict enforcement thereof would do manifest injustice and would be contrary to the spirit and purposes of this chapter and Chapter 16.16 or public interest and when, in its opinion, the interpretation of the director should be modified.

C. The board may recommend to the director, upon presentation of satisfactory evidence in the form of material tests and technical data, approval for use under this chapter and Chapter 16.16 of any new gas or mechanical material or method of installation not

specifically covered or allowed by this chapter and Chapter 16.16. A public hearing, at a time and place set by the board, shall be held prior to their recommendation for approval or disapproval, of any proposed new gas or mechanical material or method of construction. Such hearing shall be conducted according to the rules of the board established for such hearings.

D. The board shall have authority to revoke or suspend any certification or contractor registration issued by such board, according to the procedures set forth in Section 16.16.610 or 16.16.720 of this code.

E. The board shall review, discuss and vote on all proposed ordinances to change provisions of the gas/mechanical regulations set out in this chapter and Chapter 16.16, and make recommendations to the director. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-26)

#### **2.84.100 Conflicts of interest.**

No member of the board of gas/mechanical examiners and appeals shall vote on any issue before the board in which such member has a personal interest. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-29)

#### **2.84.110 Appeals of decisions on gas/mechanical matters.**

Whenever the director of codes administration shall reject or refuse to approve the mode or manner of a gas/mechanical system or gas/mechanical installation proposed to be followed, or the materials used or proposed to be used in such gas/mechanical system or gas/mechanical installation or in the repair of or alteration of an existing gas/mechanical installation, or when it is claimed that the provisions of this chapter and Chapter 16.16 do not apply or that an equally good or more desirable form of gas/mechanical installation or material can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter and Chapter 16.16 or any of the rules and regulations promulgated hereunder have been misconstrued or wrongly interpreted, the owner or his duly authorized agent may appeal the decision of the director to the board of gas/mechanical examiners and appeals. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-30)

#### **2.84.120 Appeals—Filing requirements.**

Notice of an appeal to the board of gas/mechanical examiners and appeals shall be in writing, setting forth the grounds for such appeal, and shall be filed with the secretary of the board within ten days prior to the meeting of the board. A filing fee of fifty dollars shall be paid at the time the appeal is filed with the board. (Ord. 91-

1527 § 1, 1991; Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-31)

#### **2.84.130 Appeals—Decisions of the board—Recordkeeping.**

A. All decisions of the board of gas/mechanical examiners and appeals shall be in writing. Every decision of the board shall be promptly entered into the minutes of the meeting of the board and filed in the office of the director of codes administration.

B. The records of the board shall be open to public inspection, as herein provided. A certified copy of each decision of the board modifying a decision or ruling of the director, approving or disapproving any new material or method of construction, or revoking or suspending any certificate or approval issued by the board shall be sent by mail or otherwise delivered to the appellant or aggrieved party, and a copy of each such decision shall be publicly posted in the offices of the department of codes administration for a period of two weeks after filing.

C. The board shall, in every case, render a decision without unreasonable or unnecessary delay.

D. A decision of the board may vary the application of any provision of this chapter or Chapter 16.16, or modifying an order of the director, shall be by resolution, which shall specify in what manner such variations or modifications shall be made, the conditions upon which they are made, and the reasons therefor.

E. Any decision of the board approving a new material or method of construction shall be in writing and shall stipulate the specific conditions under which such new material or method of construction may be used. The board may limit the use of any new material or method of construction to a specified use in a single instance, or may approve such new material or method of construction for general use under this chapter and Chapter 16.16 throughout the area of jurisdiction of this chapter and Chapter 16.16.

F. Every decision of the board shall be final, according to the procedure herein established, subject, however, to such remedy as any aggrieved party may have at law or in equity.

G. When a decision of the board reverses or modifies a refusal, order or disallowance of the director, varies the application of any provisions of this chapter or Chapter 16.16, or approves any new material or method of construction for use under this chapter and Chapter 16.16, the director shall immediately take action concerning such decision or recommendation to immediately carry out the decision of the board. (Ord. 90-1253 § 1 (part), 1990; prior code § 19-1-32)

**Chapter 2.88**  
**BOARD OF PROPERTY STANDARDS AND**  
**APPEALS**

**Sections:**

**2.88.010 Created.**

**2.88.020 Appointment, qualifications,  
compensation and term of office.**

**2.88.030 Organization and officers.**

**2.88.040 Quorum—Number of votes required for  
certain actions.**

**2.88.050 Rules and regulations for conduct of  
business.**

**2.88.060 Hearing petitions and procedures.**

**2.88.070 Effect of board actions—Appeals stay  
imposition of order.**

**2.88.080 Records of board decisions.**

**2.88.090 Appeals from director and or board  
decisions.**

**2.88.010 Created.**

There is created a metropolitan board of property standards and appeals. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.020 Appointment, qualifications,  
compensation and term of office.**

A. The board of property standards and appeals (“the board”) shall consist of seven members, who shall have been residents of the area of the metropolitan government area for not less than one year, and who shall continue to be eligible so long as they shall serve, to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council. The members of the board shall serve without compensation, and may be removed from membership on the board by the mayor for continued absence from meetings of the board or other just causes. Replacements for any members that resign or are dismissed from the board shall be appointed by the mayor and confirmed by the metropolitan council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term according to the procedures set forth above.

B. Of the seven members first appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, two shall be appointed for a term of three years, and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for a term of four years and shall serve until the member’s successor is appointed, except that no member shall serve for more than two consecutive terms.

C. One member of the board shall be qualified in the field of building construction and materials, one member in the field of labor, one member in the field of finance, one member in the field of real estate, and one member in the field of business. Two members may be appointed at large, provided that not more than two members in any of the categories listed above may serve on the board at the same time. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.030 Organization and officers.**

Within ten days after its appointment, the board shall organize itself by election of one of its number as chairman and another as vice-chairman. The director or the director’s duly authorized representative shall serve as secretary to the board and shall be custodian of the minutes and records of the proceedings of the board. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.040 Quorum—Number of votes required  
for certain actions.**

The presence of four members of the board shall be necessary to constitute a quorum for the conduct of business. The concurring vote of a majority of those members present, but not less than four affirmative votes, shall be necessary to approve or modify any order, requirement or decision of the director, or to decide in favor of either the director or the appellant on any matter upon which the board is required to pass or effect any modification. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.050 Rules and regulations for conduct of  
business.**

The board shall adopt such rules and regulations as it deems necessary to conduct its business. The board, in open meetings, shall hear all appeals from decisions or rulings made by the director. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.060 Hearing petitions and procedures.**

A. When it is claimed that the provisions of this chapter and Chapter 16.24 of this title do not apply, or when it is claimed that the true intent and meaning of this chapter, Chapter 16.24, or any of the regulations hereunder have been misconstrued or wrongly interpreted, or when the owner of any dwelling or structure affected by an order, issued in connection with the enforcement of this chapter and Chapter 16.24, feels that the owner have just cause for an appeal, the owner of such dwelling or structure, or the owner’s duly authorized agent, may request and shall be granted a hearing before the board, provided, that such person shall file in the office of the director a written petition completed pursuant to the rules,

regulations, and requirements of the board, within twenty days after the date the order was served.

B. Upon timely receipt of such petition, the director shall set a time and place for a hearing before the board in accordance with its rules and regulations, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such order should be modified. The hearing shall be commenced within a reasonable period after such notification and in no event less than ten days nor more than thirty days after the completed petition was filed.

C. When any person affected by an order of the director makes an appeal to the board, the councilman of the person's district shall be notified of the appeal and the time and place of such hearing. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.070 Effect of board actions—Appeals stay imposition of order.**

A. The board, after hearing the evidence presented, may sustain or modify the provisions of the order, depending upon its findings, so as to secure the intent and purposes of this chapter and Chapter 16.24. Whenever such findings are made that strict compliance with this subchapter or any order issued hereunder would impose undue or unreasonable hardship upon the owner or occupants of property affected, the board may modify the order and extend the time limit given in the order for compliance, and may further stipulate special conditions to be met by the owner as mandatory conditions to such extension of time or modification of the order. If the board sustains or modifies such order, it shall be deemed a final order unless appealed therefrom.

B. No person or party in interest who has appealed the order of the director to the board in accordance to the provisions for appeal hereinabove set forth, shall be subject to any penalty for the violation of this chapter or Chapter 16.24 until the board has issued a final order sustaining or modifying the order of the director, with which final order the appellant refuses or fails to comply, and any appeal thereon is finally disposed of by a court of competent jurisdiction. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.080 Records of board decisions.**

The findings and decisions of the board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the director. (Ord. BL2001-585 § 1 (part), 2001)

**2.88.090 Appeals from director and or board decisions.**

Any person aggrieved by the decision of the board or by an order of the director, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state. (Ord. BL2001-585 § 1 (part), 2001)

**Chapter 2.92**

**BOARD OF PLUMBING EXAMINERS AND APPEALS**

**Sections:**

**2.92.010 Created.**

**2.92.020 Appointment, qualifications and term of office.**

**2.92.030 Organization and officers.**

**2.92.040 Compensation—Removal of members.**

**2.92.050 Replacement of members.**

**2.92.060 Meetings—Location—Open to public—Notice requirements.**

**2.92.070 Rules and regulations for conduct of business.**

**2.92.080 Quorum—Number of votes required for certain actions.**

**2.92.090 Powers and duties.**

**2.92.100 Conflicts of interest.**

**2.92.110 Appeals from decisions on plumbing matters.**

**2.92.120 Appeals—Filing requirements.**

**2.92.130 Decisions of the board—Recordkeeping.**

**2.92.010 Created.**

There is created a board of plumbing examiners and appeals. (Prior code § 33-1-15)

**2.92.020 Appointment, qualifications and term of office.**

A. The board of plumbing examiners and appeals shall consist of seven members who shall have been residents of the metropolitan government area for not less than one year, and who shall continue to be so eligible so long as they serve, to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council.

B. Two members of the board shall be registered and bonded metropolitan plumbing contractors, two shall be certified metropolitan journeyman plumbers, one member shall be a mechanical engineer registered in the state, one member shall be qualified in the field of architecture, and one member shall be appointed at large, at the discretion of the mayor; provided, that not more than two members in

any of the categories listed above may serve on the board at the same time.

C. Of the seven members first appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, two shall be appointed for a term of three years, and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for a term of four years, and shall serve until his successor is appointed, except that no member shall serve for more than two consecutive terms. (Prior code § 33-1-16)

#### **2.92.030 Organization and officers.**

A. Within ten days following its appointment, the board of plumbing examiners and appeals shall meet and organize itself by election of one of its members as chairman and another as vice-chairman. The chairman and vice-chairman shall each serve in their respective capacities for a period of one year, unless subsequently elected to serve for a longer period.

B. The director of codes administration or his duly authorized representative shall serve as secretary to the board and shall be custodian of the minutes and records of the proceedings of the board. The director shall be an ex officio member of the board and shall not have a vote on any matter under consideration by the board. (Prior code § 33-1-17)

#### **2.92.040 Compensation—Removal of members.**

All members of the board of plumbing examiners and appeals shall serve without compensation, and may be removed from the board by the mayor for any continued absence from the meetings of the board, physical disability, or other just cause. (Prior code § 33-1-18)

#### **2.92.050 Replacement of members.**

Replacements for any members resigning or dismissed from the board of plumbing examiners and appeals shall be appointed by the mayor and confirmed by the metropolitan council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term. (Prior code § 33-1-19)

#### **2.92.060 Meetings—Location—Open to public—Notice requirements.**

A. The board of plumbing examiners and appeals shall establish regular meeting dates for the conduct of its normal business activities and may meet in special session on any matter before the board, on call by the chairman. All meetings of the board shall be open to the public, and

shall be held in a building under the jurisdiction of the metropolitan government. The board shall conduct a hearing on each petition brought before the board within a reasonable period following notification of such petition, and in no event shall such hearing be more than thirty days following receipt of an application for examination or notice of appeal.

B. Written notice, setting forth the time and place of an examination or hearing, shall be given each applicant or petitioner not less than seven days prior to such examination or hearing, except that the board, at its discretion, may limit such time to not more than forty-eight hours, as set forth in subsection C of Section 6.52.120. (Prior code § 33-1-22)

#### **2.92.070 Rules and regulations for conduct of business.**

The board of plumbing examiners and appeals shall adopt such rules and regulations as it may deem necessary to properly conduct its business, provided that all such rules and regulations shall be explicitly set forth in writing and shall not become effective until approved by the mayor. Copies of all rules and regulations shall be filed with the metropolitan clerk. (Prior code § 33-1-20)

#### **2.92.080 Quorum—Number of votes required for certain actions.**

A. Four members of the board of plumbing examiners and appeals shall constitute a quorum.

B. In modifying an order of the director of codes administration, or in varying the application of any provisions of this chapter or Chapters 6.52 and 16.12, or in the approval of any new material or method of construction, or in the event the board is required to revoke or suspend any certificate or approval issued by the board, and on all other matters requiring action by the board, affirmative votes of the majority present, but not less than four affirmative votes, shall be required. (Prior code § 33-1-23)

#### **2.92.090 Powers and duties.**

The board of plumbing examiners and appeals shall have the following powers and duties:

A. The board shall examine all applicants for a master plumber, journeyman and apprentice plumber's certificate, and upon the successful completion of such examination and payment of the required certification fee, shall issue to each applicant an appropriate certificate of registration.

B. The board, in open meetings, shall hear all appeals under the provisions of this chapter and Chapters 6.52 and 16.12 from any decision or ruling of the director of codes administration. The board, when so appealed to and after a

hearing, may vary the application of any provision of this chapter and Chapters 6.52 and 16.12 to any particular case when, in its opinion, the strict enforcement thereof would do manifest injustice and would be contrary to the spirit and purposes of this chapter and Chapters 6.52 and 16.12, or public interest, and when, in its opinion, the interpretation of the director should be modified.

C. The board may, upon presentation of satisfactory evidence in the form of material tests and technical data, approve for use under this chapter or Chapters 6.52 and 16.12 any new plumbing material or method of installation not specifically covered or allowed by this chapter or Chapters 6.52 and 16.12. A public hearing, at a time and place set by the board, shall be held prior to approval or disapproval, by the board, of any proposed new plumbing material or method of construction. Such hearing shall be conducted according to the rules of the board established for such hearings.

D. The board shall have the authority to revoke or suspend any certification issued by such board, according to the procedures set forth in Section 6.52.120. (Prior code § 33-1-21)

#### **2.92.100 Conflicts of interest.**

No member of the board of plumbing examiners and appeals shall vote on any issue before the board in which such member may have a personal interest. (Prior code § 33-1-24)

#### **2.92.110 Appeals from decisions on plumbing matters.**

Whenever the director of codes administration shall reject or refuse to approve the mode or manner of plumbing system or plumbing installation proposed to be followed, or the materials used or proposed to be used in such plumbing system or plumbing installation, or in the repair or alteration of an existing plumbing installation, or when it is claimed that the provisions of this chapter or Chapters 6.52 and 16.12 of this code do not apply or that an equally good or more desirable form of plumbing installation or material can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter and Chapters 6.52 and 16.12 or any of the rules and regulations promulgated thereunder have been misconstrued or wrongly interpreted, the owner or his duly authorized agent may appeal from the decision of the director to the board of plumbing examiners and appeals. (Prior code § 33-1-25)

#### **2.92.120 Appeals—Filing requirements.**

Notice of an appeal to the board of plumbing examiners and appeals shall be in writing, setting forth the grounds

for such appeal, and shall be filed with the secretary of the board within ten days after the decision is rendered by the director. A filing fee of fifty dollars shall be paid at the time the appeal is filed with the board. (Ord. 91-1529 § 1, 1991; prior code § 33-1-26)

#### **2.92.130 Decisions of the board—Recordkeeping.**

A. All decisions of the board of plumbing examiners and appeals shall be in writing, and shall indicate the vote of each member of the board upon the decision. Every decision of the board shall be promptly entered into the minutes of the meeting of the board and filed in the office of the director of codes administration.

B. The records of the board shall be open to public inspection, as herein provided. A certified copy of each decision of the board modifying a decision or ruling of the director, approving or disapproving any new material or method of construction or revoking or suspending any certificate or approval issued by the board, shall be sent by mail or otherwise delivered to the appellant or aggrieved party, and a copy of each such decision shall be publicly posted in the office of the director for a period of two weeks after filing.

C. The board shall, in every case, render a decision without unreasonable or unnecessary delay.

D. A decision of the board varying the application of any provision of this chapter or Chapters 6.52 and 16.12, or modifying an order of the director, shall be by resolution, which shall specify in what manner such variations or modifications shall be made, the conditions upon which they are made, and the reasons therefor.

E. Any decision of the board approving a new material or method of construction shall be in writing and shall stipulate the specific conditions under which such new material or method of construction may be used. The board may limit the use of any new material or method of construction to a specified use in a single instance, or may approve such new material or method of construction for general use under this chapter or Chapters 6.52 and 16.12 throughout the area of jurisdiction of this chapter and Chapters 6.52 and 16.12.

F. Every decision of the board shall be final, according to the procedure herein established, subject, however, to such remedy as any aggrieved party may have at law or in equity.

G. When a decision of the board reverses or modifies a refusal, order or disallowance of the director, varies the application of any provision of this chapter or Chapters 6.52 and 16.12, or approves any new material or method of construction for use under this chapter or Chapters 6.52 and 16.12, the director shall immediately take action

concerning such decision or immediately carry out the decision of the board. (Prior code § 33-1-27)

## **Chapter 2.96**

### **METROPOLITAN SAFETY ADVISORY BOARD**

#### **Sections:**

##### **2.96.010Created.**

##### **2.96.020Composition—Vacancy filling.**

##### **2.96.030Officers.**

##### **2.96.040Meetings.**

##### **2.96.050Powers and duties.**

#### **2.96.010 Created.**

There is created a metropolitan safety advisory board. (Prior code § 2-1-101.11(a))

#### **2.96.020 Composition—Vacancy filling.**

A. The safety advisory board shall consist of seven members who shall be appointed by the metropolitan county mayor for terms of two years, and who shall serve at the pleasure of the metropolitan county mayor. Three members of the board shall be appointed for terms of one year, and the remaining four members shall be appointed for terms of two years, with the metropolitan county mayor designating the length of the term of the members when they are appointed.

B. Any vacancy in the board, for any reason, shall be filled in the same manner as the original appointment, and the person filling the vacancy shall be appointed to fill out the remainder of the original term. (Prior code § 2-1-101.11(b))

#### **2.96.030 Officers.**

The safety advisory board shall elect from its own membership a chairman and a vice-chairman, who shall serve in such capacities for one year or until a successor shall have been chosen. (Prior code § 2-1-101.11(c))

#### **2.96.040 Meetings.**

The safety advisory board shall meet at least once each three months at such time and place as established by the board, and may call more frequent meetings as necessary. (Prior code § 2-1-101.11(d))

#### **2.96.050 Powers and duties.**

The safety advisory board shall have the following powers and duties:

A. Formulate and project the goals and objectives of the metropolitan employee safety program;

B. Review the progress of the metropolitan employee safety program and recommend changes in such program as they see desirable;

C. Request information from departments and agencies of the metropolitan government as such information relates to the safety program of the metropolitan government;

D. Forward all of its findings and recommendations to the executive secretary of the metropolitan employee benefit board. (Ord. 95-1446 § 5, 1995; prior code § 2-1-101.11(e))

## **Chapter 2.100**

### **METROPOLITAN TRANSPORTATION LICENSING COMMISSION**

#### **Sections:**

##### **2.100.010Created—Membership.**

##### **2.100.020Secretary.**

##### **2.100.030Jurisdiction—Licensing and rulemaking authority.**

##### **2.100.040Duties of chief of police and chief traffic engineer.**

##### **2.100.045Duties of the police department.**

##### **2.100.050Transportation inspectors.**

##### **2.100.055Director.**

##### **2.100.060Laws not repealed.**

#### **2.100.010 Created—Membership.**

There is created a metropolitan transportation licensing commission. Such board shall consist of seven public members to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council, and who shall serve without compensation for a term of two years or until their successors are appointed. (Ord. BL2000-324 § 1 (part), 2000; prior code § 39-1-1)

#### **2.100.020 Secretary.**

The commission director is designated as secretary of the metropolitan transportation licensing commission and shall serve as the custodian of its records. (Ord. BL2000-324 §§ 1 (part), 2, 2000; prior code § 39-1-2)

#### **2.100.030 Jurisdiction—Licensing and rulemaking authority.**

The metropolitan transportation licensing commission shall have exclusive jurisdiction of the licensing and regulation of all vehicles for hire, including, but not limited to, taxicabs, wreckers, sedans, and limousines, and shall constitute the sole administrative agency for the administration of all laws and ordinances relating to the



licensing and regulation of vehicles for hire. The metropolitan transportation licensing commission shall make such bylaws, rules and regulations not inconsistent with law as it deems appropriate for the conduct of its business, copies of which shall be filed with the secretary of the commission and the metropolitan clerk.

A. There is imposed upon such commission the authority, power and duty to adopt, promulgate and enforce such rules and regulations to carry out the provisions of Chapters 6.72 and 6.80 of this code, and such chapters concerning vehicles for hire as may be later enacted which the commission deems necessary for the proper and safe operation of any business providing vehicle for hire services; provided, that such rules and regulations shall not conflict with any laws of the state, the charter or any ordinance of the metropolitan government, nor shall such rules and regulations exceed the limits of authority granted to such commission by Chapters 6.72 and 6.80 or any other chapter later enacted.

B. There is imposed upon such commission the authority, power, and duty to license all persons who may engage in the activity or business of providing vehicle for hire service to the residents and visitors of the metropolitan government area and to require a permit for each vehicle for hire operated by a licensee and individual permits for each driver and/or driver helper of a taxicab, wrecker, limousine, sedan or other vehicle for hire.

C. The commission shall fix and hold a public hearing with respect to the rules and regulations to be adopted by it as provided in subsection A of this section or any proposed amendments to such rules and regulations. Such rules and regulations or any amendments thereto shall be approved by the metropolitan department of law as to form and legality, and the same shall then be filed with the secretary of the transportation licensing commission and with the metropolitan clerk. After such rules and regulations or any amendments thereto of the commission have been so adopted in the manner herein provided, such rules and regulations shall have the force and effect of law. (Ord. BL2000-324 § 3, 2000)

#### **2.100.040      Duties of chief of police and chief traffic engineer.**

The chief of police of the metropolitan government and the chief traffic engineer of the metropolitan traffic and parking commission shall, in their official capacities, advise the board when requested concerning those matters of public safety and proper traffic control. (Prior code § 39-1-6)

#### **2.100.045      Duties of the police department.**

The metropolitan police department, in cooperation with the transportation licensing commission inspectors, shall enforce all laws relating to the licensing and operation of taxicabs, wreckers, limousines, sedans and other vehicles for hire and drivers, and shall report all violations thereof and all accidents involving vehicles for hire to the inspectors. (Ord. BL2000-324 § 4, 2000)

#### **2.100.050      Transportation inspectors.**

The metropolitan transportation licensing commission, subject to the civil service provisions of the Charter, is empowered to employ suitable persons as inspectors, their compensation to be fixed by the general pay plan of the metropolitan government. Such commission shall prescribe the duties of such inspectors so as to enforce the applicable provisions of this chapter and Chapters 6.72 and 6.80 of this code and such other chapters of this code relative to vehicles for hire as may later be enacted. Such commission shall furnish the civil service commission with information pertinent to the classification of inspectors and shall certify the minimum and maximum salary range payable to the persons performing such duties and, upon approval by the civil service commission and the metropolitan council, the same shall become a part of the pay plan for the classified service. (Ord. BL2000-324 § 5, 2000)

#### **2.100.055      Director.**

The metropolitan transportation licensing commission, subject to the civil service provisions of the Charter, is hereby empowered to employ a director, his or her compensation to be fixed by the general pay plan of the metropolitan government. Such commission shall prescribe the duties of such director so as to promulgate and enforce the applicable provisions of this chapter and Chapters 6.72 and 6.80 of this code and such other chapters of this code relative to vehicles for hire as may later be enacted. Such commission shall furnish the civil service commission with information pertinent to the classification of the transportation licensing commission director and shall certify the minimum and maximum salary range payable to the person performing such duties and, upon approval by the civil service commission and the metropolitan council, the same shall become a part of the pay plan for the classified service. (Ord. BL2000-324 § 6, 2000)

#### **2.100.060      Laws not repealed.**

Nothing contained in this chapter is intended to repeal or amend Ordinance 67-132 as codified in this code under Chapter 6.72, and the metropolitan transportation licensing

commission is authorized and empowered to administer the provisions of such ordinance and code sections. (Ord. BL2000-324 § 1 (part), 2000; prior code § 39-1-5)

## **Chapter 2.104**

### **URBAN FORESTER**

#### **Sections:**

##### **2.104.010 Definitions.**

##### **2.104.020 Urban forester.**

##### **2.104.030 Planting.**

##### **2.104.040 Maintenance.**

##### **2.104.050 Removal of hazard trees.**

##### **2.104.060 Tree permits.**

##### **2.104.070 Permitting of arborists.**

##### **2.104.080 Appeals.**

##### **2.104.090 Duties under zoning ordinance.**

##### **2.104.100 Educational functions.**

##### **2.104.110 Tree advisory committee.**

#### **2.104.010 Definitions.**

The following definitions shall apply to this chapter:

“Communications facility” means all entities providing telephone or cable television services in the community and having responsibility for keeping service lines free of hazards, including trees.

“Hazard tree” means a public tree or private tree or any portion thereof which is determined by the urban forester to create a health or safety risk to the public because the tree is dead or dying, has an infectious disease or insect problem, is injured beyond restoration, is in danger of falling, is so close to an existing or proposed public structure as to endanger such structure, creates unsafe visual clearance, interferes with public utility services or communications facility services, or poses other risks identified by the urban forester. (Ord. 93-882 § 2, 1994)

“Private tree” means a tree or shrub growing in an area owned by a private individual, business or commercial establishment, company, industry, private institution, or other area not owned by government entities. The area where a tree is “growing” shall be determined by the placement of its trunk.

“Pruning” means selective removal and thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.

“Public tree” means a tree or shrub on any and all public property, that being property owned by the metropolitan government. Such public property shall include, but not be limited to, streets, avenues, alleys, and any other public right-of-way, public parks, public buildings, hospitals and schools. The area in which a tree

or shrub is considered to be growing shall be determined by the placement of the trunk.

“Public utility” means all entities in charge of electrical distribution in the community and having responsibility for keeping distribution lines free of hazards, including trees.

“Shrub” means a woody plant with a multiple stem capable of growing to a height of up to fifteen feet.

“Topping” means arbitrary removal of various portions of the tree thereby leaving stubs, with no regard for the natural structure of the tree.

“Tree” means a woody plant with a single trunk or multiple trunk capable of growing to a height of fifteen feet or more. (Ord. 93-882 § 2, 1994)

#### **2.104.020 Urban forester.**

There shall be an urban forester of the metropolitan government. The urban forester shall be an employee of the department of codes administration, under the supervision of the zoning administrator. The urban forester shall be skilled and trained in the art and sciences of municipal arboriculture and shall possess the education and experience as provided in the job description for the position as adopted by the metropolitan civil service commission. The urban forester shall be responsible for administering the programs and policies set forth in this chapter, and may propose rules and regulations designed to carry out said duties and responsibilities. Such rules and regulations shall become effective after they are approved by the metropolitan planning commission and filed with the office of the metropolitan clerk. (Ord. 93-882 § 3, 1994)

#### **2.104.030 Planting.**

A. The urban forester shall have general oversight over all tree planting undertaken by the metropolitan government, but shall have no direct supervisory power over metropolitan government employees engaged in tree planting. He or she shall insure that planting of public trees progresses in a systematic manner to assure diversity of age, classes and species. He or she shall further provide information to all Metro agencies as to appropriate tree size, density and planting techniques.

B. When requested, the urban forester shall provide information to owners of private property regarding appropriate tree species, planting techniques, and placement. (Ord. 93-882 § 4, 1994)

#### **2.104.040 Maintenance.**

A. The urban forester shall have general oversight over the maintenance of public trees, but shall have no direct supervisory power over metropolitan government

employees engaged in tree maintenance. Tree maintenance may include pruning, fertilizing, watering, insect and disease control, or other tree care activities. Maintenance may be accomplished by personnel of the metropolitan government or by contract with commercial tree care companies.

B. The practice of tree topping as opposed to branch removal at branch or trunk junctures is prohibited on all public trees without prior approval of the urban forester.

C. Pruning of public trees in the vicinity of power lines or communications facility lines shall be undertaken using drop crotch pruning and pruning to laterals, unless other pruning methods receive prior approval by the urban forester. Such prior approval may be in the form of written policies and procedures that the urban forester, working in conjunction with public utilities and communications facilities, has established, and which enumerate limited exceptions to these pruning requirements in particular circumstances. In addition, the urban forester will work in conjunction with the public utilities and communication facilities to establish a program of replacing large trees that interfere with power lines with small maturing ornamental trees.

D. When requested, the urban forester shall provide information to owners of private property regarding all aspects of tree care, including the latest techniques and procedures currently being practiced. (Ord. 93-882 § 5, 1994)

#### **2.104.050 Removal of hazard trees.**

The urban forester shall oversee the removal of hazard trees. If the tree is on public property, the urban forester shall make the risk determination and, if appropriate, will cause the tree or hazardous portion thereof to be removed. Furthermore, the urban forester may delegate responsibility for risk determinations to employees of the metropolitan board of parks and recreation and employees of the department of public works who engage in ongoing tree removal activities; provided, however, that the urban forester shall provide education to such employees, to be sure that risk determinations are made in a consistent and appropriate manner. Furthermore, emergency removal of any public tree or portion thereof that poses an immediate hazard may be undertaken by a department or agency of the metropolitan government or a public utility or communications facility without prior approval of the urban forester.

If the urban forester is informed of a private tree that falls within the definition of hazard tree, he or she shall serve notice of the risk and the need for removal, and allow thirty days for removal of the tree at the expense of the property owner.

If the owner fails to remove the tree or hazardous portion thereof, the urban forester shall authorize removal by the metropolitan government, and shall be authorized to bill the property owner for the expense of such removal.

Notwithstanding the above, emergency removal of any private tree or portion thereof that poses an immediate hazard to the public may be authorized by the urban forester.

Appropriate tree care and removal of hazard trees or portions thereof on private property is the responsibility of the property owner, and nothing in this chapter shall be construed as creating an affirmative duty on the metropolitan government to remove or cause the removal of hazard trees on private property. (Ord. 93-882 § 6, 1994)

#### **2.104.060 Tree permits.**

A. No person shall directly or indirectly damage, destroy or remove any public tree in violation of the terms of this chapter without first filing an application and procuring a tree removal permit from the urban forester, except as allowed in Section 2.104.050 hereof. Any public tree which is damaged, destroyed or removed without the permit required herein shall be repaired or replaced in the manner directed by the urban forester in accordance with accepted practices of the International Society or Arboriculture.

B. Notice of commencement and completion of the work or other activity authorized by the tree permit shall be made to the urban forester as stated on the permit issued.

C. Permits for Public Utilities and Communications Facilities. Tree permits allowing for pruning or removal of trees necessitated by the installation and/or on-going maintenance of public utilities shall be issued by the urban forester for a period of one year and may be renewed annually subject to continued compliance with the conditions of this section.

D. There is hereby established a fee of ten dollars to cover the costs of administration, including the review of permits and inspection to be charged to applicants for tree permits established by this chapter. (Ord. 93-882 § 7, 1994)

#### **2.104.070 Permitting of arborists.**

A. All individuals and firms conducting tree care and removal as a business shall be required to have a permit to engage in tree care and removal activities. Such permit shall be issued by the urban forester upon proof by the applicant that he or she, or a member of his or her firm with supervisory power over other employees, has successfully completed a test of tree knowledge given by the International Society of Arboriculture, and proof that

he or she or his or her firm has a minimum of three hundred thousand dollars of liability insurance. Firms existing at the time the ordinance codified in this chapter is enacted may be waived from the testing requirement, provided they meet the requirement within two years of the adoption of the ordinance codified in this chapter.

B. The fee for the permit referred to in Section 2.104.070(A) of arborists shall be twenty-five dollars per year. (Ord. BL2004-253 § 1, 2004; Amdt. 1 to Ord. 93-882, 3/15/94; Ord. 93-882 § 8, 1994)

#### **2.104.080 Appeals.**

Any person dissatisfied with the decisions, rules, regulations and interpretations of the urban forester on any matter covered by Sections 2.104.010 through 2.104.060 of this chapter, shall have the right to appeal to the vegetation control board in accordance with the procedures set forth in Section 10.28.070 of the Metropolitan Code of Laws. There shall be no filing fees for such appeals. (Ord. 93-882 § 9, 1994)

#### **2.104.090 Duties under zoning ordinance.**

The urban forester shall perform the duties, if any, assigned to him or her under any tree removal permit procedures or other procedures set out in any landscaping and buffering regulations that are part of any zoning ordinance passed by the metropolitan council. (Ord. 93-882 § 10, 1994)

#### **2.104.100 Educational functions.**

The urban forester shall assist in educating the community and agencies of the metropolitan government by:

A. Providing information and public relations to citizens and groups in the city regarding trees;

B. Maintaining a prohibited tree species list;

C. Gathering information and publishing reports as needed about city tree resources;

D. Working with Metro departments and agencies such as the department of public works to improve agencies' understanding of trees and tree problems; and

E. Meeting regularly with the tree advisory committee to the metro beautification and environment commission. (Ord. 93-882 § 11, 1994)

#### **2.104.110 Tree advisory committee.**

A. Not less than four months nor more than six months after the initial employment of the urban forester, the metropolitan tree board, created and established by ordinance, shall be abolished and there is established in its place the tree advisory committee to the metro beautification and environment commission. Those members of the tree board, including ex officio members,

whose terms extend beyond the date that the tree board is abolished, shall become members of the tree advisory committee until such time as their terms expire. At that time, the metro beautification and environment commission shall appoint new members to the committee in accordance with procedures established by the commission.

B. The tree advisory committee shall have such duties and responsibilities as are conferred upon it by the metro beautification and environment commission, including but not limited to community education regarding the value of trees and proper techniques for the planting, maintenance and removal of trees. (Ord. 93-882 § 12, 1994)

### **Division IV. Commissions**

#### **Chapter 2.108**

#### **METROPOLITAN ACTION COMMISSION**

##### **Sections:**

##### **2.108.010 Created.**

##### **2.108.020 Membership—Appointment and term of chairman and members.**

##### **2.108.030 Vice-chairman and other officers.**

##### **2.108.040 Meeting.**

##### **2.108.050 Powers and duties.**

##### **2.108.010 Created.**

There is created the metropolitan action commission. (Prior code § 2-1-74)

##### **2.108.020 Membership—Appointment and term of chairman and members.**

A. The metropolitan action commission shall consist of eighteen members appointed by the mayor and confirmed by the metropolitan council. Six, or not less than one-third, of the members of the commission shall be elected public officials currently holding office, or their representatives, except that if the mayor finds that there are sufficient elected officials reasonably available or willing to serve, then the mayor may select appointive public officials to serve; specifically, the officials on the commission shall be as follows: the mayor, the metropolitan board of education, the chairman of the health, hospitals and welfare committee of the metropolitan council, the chairman of the personnel, public information, human relations and housing committee of the metropolitan council, the director of metropolitan social services, and the director of the metropolitan development and housing agency. Six, or not less than one-third, of the commission shall be persons chosen in accordance with democratic selection procedures adequate

to assure that they are representative of the poor in the area served. However, one of the representatives of the poor shall be president of the Head Start policy council of the metropolitan action commission, whose term shall be identical with the term of the president of the policy council. Six, or not less than one-third, of the members of the commission shall be officials or members of business, industry, labor, religious, welfare, education or major groups and interests in Metropolitan Nashville and Davidson County. The terms of the six public officials on the commission and the term of the president of the Head Start policy council of the metropolitan action commission shall be the same as the elected or appointive term of office. The other eleven members of the commission shall initially be appointed for staggered terms as follows: one-third of the representatives of the poor and of business and other interests shall have a term of one year; one-third of same shall have a term of two years; and one-third of same shall have a term of three years. Thereafter, all twelve representatives of such groups shall be appointed for a term of three years, and their terms will commence on the second day of February of the year of their appointment.

B. The mayor shall also appoint one of the members of the commission as chairman for a term of one year. (Ord. 91-1559 § 1, 1991: prior code § 2-1-75)

#### **2.108.030 Vice-chairman and other officers.**

Immediately upon appointment and qualification, the metropolitan action commission shall elect one of its members as vice-chairman, who shall serve for a period of one year, or until his successor shall have been chosen for the ensuing term. The commission may choose such other officers as it deems necessary. (Prior code § 2-1-76)

#### **2.108.040 Meeting.**

The metropolitan action commission shall hold regular meetings at least quarterly for the conduct of its business, and may hold more frequent regular meetings as its bylaws may provide. It may hold special meetings as may be deemed necessary, the same to be called or held as provided in its bylaws. (Prior code § 2-1-77)

#### **2.108.050 Powers and duties.**

A. The powers, duties and responsibilities of the metropolitan action commission shall be to coordinate the existing facilities of the metropolitan government, private, state and federal educational, health and welfare facilities, to the end that all such facilities shall be marshalled in an effort to obtain full employment and job opportunity for the residents of this community through education, reeducation, upgrading of health and physical environment, and such other means as may be proper.

B. In the performance of these powers, duties and responsibilities, the metropolitan action commission shall have the authority and, where appropriate to the context, shall be required to:

1. Within its budget appropriation and other funds at its disposal, employ personnel and enter into contracts for such services as it may require;

2. Enter into agreements and receive such grants or assistance, or both, as may be available from the federal or state governments for the purposes for which the commission is established, and also to receive gifts for such purposes. (Prior code § 2-1-78)

### **Chapter 2.112 METROPOLITAN NASHVILLE ARTS COMMISSION**

#### **Sections:**

##### **2.112.010 Established.**

##### **2.112.020 Membership and term of office.**

##### **2.112.030 Purpose of the commission.**

##### **2.112.040 Powers and duties.**

#### **2.112.010 Established.**

There is created and established a commission to be legally known as the "Metropolitan Nashville Arts Commission," referred to in this chapter as "commission." (Prior code § 2-1-101.61)

#### **2.112.020 Membership and term of office.**

The commission shall be composed of fifteen members to be appointed by the mayor and to serve without compensation. All members of the commission shall be confirmed by the metropolitan county council. The tenure of the members shall be as follows: the successors of the two members whose terms are set to expire January 1, 1993 shall serve a four-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in August, 1992 shall serve a three-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in November, 1990; March, 1989; April 1989; and September, 1992 shall serve a term of four years to expire January 1, 1998; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in August, 1992 shall serve a term of four years to expire January 1, 1999; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in February, 1991 and March 1992 shall serve a term of five years to expire January 1, 2000; and the

successor of that member whose term is set to expire January 1, 1996 shall serve a term of four years to expire January 1, 2000. Each commission member shall thereafter serve a period of four years from their appointment dates of January 1, 1997; January 1, 1998; January 1, 1999 and January 1, 2000. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner as original appointments. (Ord. 93-576 § 1, 1993: prior code § 2-1-101.62)

#### **2.112.030 Purpose of the commission.**

The purpose of the commission shall be as follows:

A. To promote the study, participation in and appreciation of the visual, performing and literary arts;

B. To support and participate in the presentation of displays, exhibits, recitals, concerts, lectures and symposia;

C. To cooperate with and assist public and private educational institutions, the media, and other private and governmental entities involved in artistic and cultural promotion;

D. To provide information and recommendations to the metropolitan county council and the metropolitan county mayor with respect to the architectural design and aesthetics of public places and property. (Prior code § 2-1-101.63)

#### **2.112.040 Powers and duties.**

In order to carry out and facilitate the commission's general purposes, it shall have authority to:

A. Elect a chairman and such other officers as it may deem necessary to carry out the functions and duties of the commission;

B. Promulgate and maintain its own regulations and bylaws;

C. Conduct its affairs, to select advisory committees or panels of experts as necessary to assist in the discharge of its duties;

D. Receive and expend any money allocated to it by the metropolitan government or donated to it for the purposes of the commission as expressed herein;

E. Accept and receive gifts donated to the commission for artistic and cultural purposes;

F. Recognize individuals, institutions and organizations who exemplify excellence in cultural and artistic endeavors by bestowing upon such individuals, institutions and organizations such awards and commendations as the commission from time to time deems appropriate;

G. Accept funds from other arts organizations, private and government entities, for disbursement to deserving nonprofit civic and nonprofit charitable organizations. The

acceptance of such funds shall be approved by resolution of the metropolitan council;

H. Award funds appropriated to it by the metropolitan council to deserving nonprofit civic and nonprofit charitable organizations. Criteria for the awarding of such funds shall be established by the metropolitan Nashville arts commission and approved by resolution of the metropolitan council. Once a determination is made by the metropolitan Nashville arts commission that a deserving nonprofit civic or nonprofit charitable organization is to receive funds, a grant contract shall be prepared and signed for each such organization. A notice shall be published in a newspaper of general circulation of the intent to make an appropriation to deserving nonprofit civic and nonprofit charitable organizations; included within that notice shall be the amount of the appropriation and the purpose for which the funds will be spent. The grant contracts shall then be submitted to the metropolitan council for approval by resolution at two consecutive regularly scheduled meetings of the metropolitan council.

1. A "nonprofit charitable organization" is defined as one in which no part of the net earnings benefit any private shareholder or individual and which provides year-round services benefiting the general welfare of the residents of the municipality.

2. A "nonprofit civic organization" is defined as a civic organization exempt from taxation pursuant to Section 501(c) of the IRS Code. A nonprofit civic organization must operate primarily for the purpose of bringing about civic betterment and social improvements through efforts to maintain and increase employment opportunities in the municipality.

3. For purposes of this code section, both nonprofit charitable organizations and nonprofit civic organizations shall be involved in the study, participation in and appreciation of the visual, performing and literary arts for the metropolitan Nashville and Davidson County area. (Ord. 94-993 § 1, 1994; prior code § 2-1-101.64)

### **Chapter 2.116 AUDITORIUM COMMISSION**

#### **Sections:**

##### **2.116.010 Created.**

##### **2.116.020 Membership—Appointment, compensation, term and vacancy filling.**

##### **2.116.030 Powers and duties.**

#### **2.116.010 Created.**

There is created a metropolitan auditorium commission. (Prior code § 2-1-57)

**2.116.020      Membership—Appointment, compensation, term and vacancy filling.**

The metropolitan auditorium commission shall consist of seven members, to be appointed by the mayor and confirmed by a majority of the whole metropolitan council. The members of the metropolitan auditorium commission shall serve without compensation for terms of three years each, except that, of the first members appointed as regular members, two shall serve for a term of one year, two for a term of two years and three for a term of three years. Any vacancy due to any cause shall be filled by appointment of the mayor and confirmed by a majority of the whole membership of the metropolitan council, and shall be for the unexpired portion of the term. (Prior code § 2-1-58)

**2.116.030      Powers and duties.**

It shall be the duty of the metropolitan auditorium commission to:

A. Exercise all the powers and perform all the duties heretofore imposed on the municipal auditorium commission, as established by Chapter 537 of the Private Acts of Tennessee for 1949, as amended by Chapter 209 of the Private Acts of Tennessee for 1957;

B. Perform such other duties as may be imposed upon the commission by ordinance. (Prior code § 2-1-59)

**Chapter 2.120  
CHARTER REVISION COMMISSION**

**Sections:**

- 2.120.010 Establishment—Council intent—Statutory authority.**
- 2.120.020 Created—Purpose.**
- 2.120.030 Appointment, compensation and term of members—Vacancy filling.**
- 2.120.040 Qualifications for members.**
- 2.120.050 Officers.**
- 2.120.060 Meetings.**
- 2.120.070 Bylaws, rules and regulations.**
- 2.120.080 Quorum for voting.**
- 2.120.090 Powers and duties.**
- 2.120.100 Employment of personnel.**

**2.120.010      Establishment—Council intent—Statutory authority.**

It is the intent of the metropolitan council to exercise to the full extent of the Charter power granted by Section 19.03 of the Metropolitan Charter to establish a charter revision commission to hold hearings and to make

recommendations to the metropolitan council with respect to amendments to the Charter consistent with Amendment No. 8 to Article XI, Section 9 of the Constitution of Tennessee and Tennessee Code Annotated, Section 6-3701, et seq., as they now exist or may hereafter be amended, so that in the interest of modern, efficient and economical government, the metropolitan government may be operated as one governmental entity in the interest of aiding in the solution of the public problems of a metropolitan area. (Prior code § 2-1-88)

**2.120.020      Created—Purpose.**

There is established a charter revision commission to hold hearings and to make recommendations to the metropolitan council with respect to amendments to the Metropolitan Charter. (Prior code § 2-1-79)

**2.120.030      Appointment, compensation and term of members—Vacancy filling.**

The charter revision commission shall consist of seven members, to be appointed by the mayor and confirmed by a majority of the whole membership of the metropolitan council. The members of the commission shall hold no other public office or public position of employment, and each shall serve for a term of four years without compensation. Any vacancy occurring during the term of a members shall be filled for the unexpired term in the manner prescribed for the original appointment. (Prior code § 2-1-80)

**2.120.040      Qualifications for members.**

Every member of the charter revision commission shall have been a resident of the general services district or have had his principal place of business or employment therein for not less than one year prior to his appointment, and shall continue to be so eligible so long as he shall serve. (Prior code § 2-1-81)

**2.120.050      Officers.**

The charter revision commission shall elect one of its members as chairman and another as vice-chairman, who shall serve for a period of one year or until their respective successors shall have been chosen. It may elect as its secretary one of its own members, or it may appoint as secretary one who is not a member. (Prior code § 2-1-85)

**2.120.060      Meetings.**

The charter revision commission shall hold regular meetings at least quarterly for the conduct of its business, and may hold more frequent regular meetings as its bylaws may provide. It may hold special meetings as may be

deemed necessary, the same to be called or held as provided in its bylaws. (Prior code § 2-1-83)

**2.120.070 Bylaws, rules and regulations.**

The charter revision commission may make such bylaws, rules and regulations, not inconsistent with law, as it deems appropriate for the conduct of its business, copies of which shall be filed with the metropolitan clerk and with the secretary of the commission. (Prior code § 2-1-86)

**2.120.080 Quorum for voting.**

A majority of the members of the charter revision commission shall constitute a quorum for the purpose of meetings and transacting business. (Prior code § 2-1-84)

**2.120.090 Powers and duties.**

A. The functions, powers and duties of the charter revision commission shall be:

1. To receive and study recommendations relating to proposed amendments to the Metropolitan Charter;
2. To hold public hearings with respect to amendments to the Metropolitan Charter;
3. To make recommendations to the metropolitan council concerning the amendments to the Metropolitan Charter and to report periodically to the metropolitan council on its activities;

B. The charter revision commission is an agency of the metropolitan government, authorized to hold hearings, and shall have the power granted by Section 18.10 of the Metropolitan Charter to compel the attendance of witnesses and the production of books, papers and records pertinent to the hearing, and to administer oaths to witnesses. If any persons fails or refuses to obey a reasonable order for attendance or reasonable order for the production of books and papers, the commission is authorized to apply to the chancery court for an order requiring that the order of the commission be obeyed. (Prior code § 2-1-82)

**2.120.100 Employment of personnel.**

Except as otherwise provided in the Metropolitan Charter or by ordinance of the metropolitan council, the charter revision commission is authorized to employ such personnel as may be necessary to perform its functions and as may be within the limits of its budget appropriation. (Prior code § 2-1-87)

**Chapter 2.124  
METROPOLITAN CONVENTION CENTER  
COMMISSION**

**Sections:**

**2.124.010 Created—Membership.**

**2.124.020 Term of office.**

**2.124.030 Compensation—Meetings.**

**2.124.040 Officers—Rules and regulations—  
Quorum.**

**2.124.050 Powers and duties.**

**2.124.010 Created—Membership.**

A. There is created a metropolitan convention center commission, which shall consist of thirteen members who shall be appointed by the mayor and confirmed by a majority of the metropolitan county council.

B. Of the thirteen members appointed to the commission, one shall have experience in the hotel/motel industry, one shall have experience in the tourism industry, one shall have experience in finance, one shall have experience in construction, architecture or engineering, and one member shall be experienced in association or organizational management. (Ord. 89-1015 §1, 1990; prior code § 2-1-101.72)

**2.124.020 Term of office.**

The term of each member of the metropolitan convention center commission shall be for three years, except that the term of three of the members appointed to the first commission shall be for only one year, and the term of four of the members of the first commission shall be for only two years. (Prior code § 2-1-101.73)

**2.124.030 Compensation—Meetings.**

A. Members of the metropolitan convention center commission shall serve without compensation.

B. Meetings of the commission shall be at least on a quarterly basis as provided by Section 11.104 of the Metropolitan Charter. (Prior code § 2-1-101.74)

**2.124.040 Officers—Rules and regulations—  
Quorum.**

The metropolitan convention center commission shall choose its own officers, make its own rules and regulations within the authority granted by this chapter, and keep minutes of its proceedings. A majority of the total membership shall constitute a quorum for the transaction of business. (Prior code § 2-1-101.75)

**2.124.050 Powers and duties.**

The metropolitan convention center commission shall have the following powers and duties:

A. The commission shall manage, operate and promote the Nashville Convention Center;



B. It shall formulate the policies and establish fees and charges necessary to manage the Nashville Convention Center;

C. 1. It shall employ a director and such persons as may be necessary to perform its functions, and fix the compensation of such personnel as may be within the limits of its budget appropriation and funds otherwise available. Additionally or alternatively, it may, in accordance with the procurement laws of the metropolitan government, obtain by contract any or all services necessary to perform its functions. Provided, however, any contract which would provide for management services shall not be effective unless and until it has been approved by resolution adopted by the metropolitan county council by twenty-one affirmative votes;

2. In addition, the commission shall file a quarterly report with the metropolitan council which shall include the following information: income, expenses, bookings and employees, both temporary and part-time;

D. It shall review, approve, reject or amend the proposed annual budget compiled by the director for submission to the director of finance in accordance with Section 6.02 of the Metropolitan Charter;

E. It shall have all such other powers not inconsistent with law necessary for the operation of the Nashville Convention Center. (Amdt. 1 to Ord. 92-349, 8/4/92; Ord. 92-349 § 1, 1992; prior code § 2-1-101.76)

## **Chapter 2.128 HISTORICAL COMMISSION**

### **Sections:**

**2.128.010**Established.

**2.128.020**Purpose of the commission.

**2.128.030**Appointment and term of office of members.

**2.128.040**Officers and bylaws—Authority to purchase property and other powers.

**2.128.050**Executive director—Authority and qualifications.

**2.128.060**Powers and duties.

**2.128.010**      **Established.**

There is established a commission dedicated to the preservation, promulgation and promotion of an accurate historical knowledge of Davidson County, to be legally known as the historical commission of metropolitan Nashville-Davidson County. (Prior code § 2-1-97)

**2.128.020**      **Purpose of the commission.**

The purpose of the historical commission established by this chapter is to preserve, promulgate and promote an accurate history of Davidson County. (Prior code § 2-1-98)

**2.128.030**      **Appointment and term of office of members.**

The historical commission shall be composed of fifteen members, to be appointed by the mayor and to serve without compensation. All members of the historical commission shall be confirmed by a majority vote of the whole membership of the metropolitan council. The tenure of the members shall be as follows: the successors of the five members whose terms are set to expire August of 1993 shall serve a four-year term to expire on August 1, 1997; the successor of the member whose term is set to expire July of 1994 shall serve a four-year term to expire on August 1, 1998; the successors of the four members whose four-year terms are set to expire June of 1996, August of 1996, October of 1996 and November of 1996 shall serve a term of two years to expire August 1, 1988; and the successors of the remaining five members whose six-year terms are set to expire August of 1996 shall serve a term of three years to expire August 1, 1999. Thereafter, each member shall serve for a term of four years from the appointment dates of August 1, 1997, August 1, 1998 and August 1, 1999. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner as the original appointments. (Ord. 93-564 § 1, 1993; prior code § 2-1-99)

**2.128.040**      **Officers and bylaws—Authority to purchase property and other powers.**

The historical commission is authorized:

A. To establish its own offices and to elect its own officers therefor;

B. To promulgate and maintain its own regulations and bylaws;

C. To purchase and maintain any property, real or personal, in conjunction with the commission's general purpose stated in this chapter; and

D. To make any recommendations to the mayor in regard to person suitable for appointment to the commission. (Prior code § 2-1-100)

**2.128.050**      **Executive director—Authority and qualifications.**

There shall be created the position of executive director for the historical commission of metropolitan Nashville-Davidson County. The executive director shall serve at the pleasure of the historical commission and shall be paid such compensation as shall be fixed by the historical

commission within its budgeted appropriations. The executive director:

A. Shall possess a degree in history, preferably with some postgraduate training;

B. Shall have at least five years' experience in historical work;

C. Shall be familiar with the history of Nashville-Davidson County and Tennessee; and

D. Shall have demonstrated ability to discharge the duties and functions of the executive director of the historical commission. (Ord. 90-1339 § 1 (2-11), 1990; prior code § 2-1-100.1)

#### **2.128.060 Powers and duties.**

In order to carry out and facilitate the historical commission's general purpose, it shall be authorized to do the following things:

A. To attempt to locate, collect and preserve historical material that it may consider relevant to the history of Davidson County;

B. To conduct its affairs, hold legal title to any personalty or realty, and make appropriate arrangements for the purchase, preservation, promotion and use of any material, both real and personal, and to do such as an agency of the metropolitan government, as provided by the Metropolitan Charter;

C. To receive and expend any money allocated to it by the metropolitan government, or donated to it to be used for the purposes herein stated;

D. To make application to the internal revenue service, asking that its character be classified charitable;

E. To ascertain and certify any evaluation of gifts, bequests and devices where requested and whenever possible;

F. To cooperate with appropriate officials and agencies in preserving records, archives and historic buildings, and in the erection of monuments, markers, etc.;

G. To sponsor the preparation and publication of histories, guidebooks and similar material, and to take any other actions which it considers necessary and proper in the furtherance of the board aims as set forth in this chapter;

H. To endeavor to arouse interest in the history of the area by operating with schools, clubs and other interested organizations;

I. To sponsor lectures, tours, exhibits and displays, and it may utilize any and all media of communication, such as newspapers, radio and television, in the accomplishments of its purposes;

J. To lend its assistance and cooperation to the Tennessee Historical Society, the Tennessee Historical Commission, the Official Historian of Tennessee, the

historian of Davidson County, and other duly constituted historical bodies and individuals in the pursuit of such common goals as may fall within the broad purpose of this commission. (Prior code § 2-1-101)

### **Chapter 2.132 METROPOLITAN HUMAN RELATIONS COMMISSION**

#### **Sections:**

**2.132.010 Established.**

**2.132.020 Mission and objectives.**

**2.132.030 Composition—Qualifications, appointment, term and filling vacancies.**

**2.132.040 Officers and committees—Employment of staff.**

**2.132.050 Quorum.**

**2.132.060 Scope of responsibilities.**

**2.132.070 Powers and duties.**

**2.132.080 Annual budget—Facilities.**

#### **2.132.010 Established.**

There is established a metropolitan human relations commission. (Ord. 94-1129 § 1 (part), 1994)

#### **2.132.020 Mission and objectives.**

A. The mission of the human relations commission is to protect and promote the personal dignity of all people by protecting and promoting their safety, health, security, peace, and general welfare.

B. The commission will endeavor to carry out this mission both proactively and reactively by:

1. Investigating complaints within the general services district regarding perceived discrimination;

2. Reviewing allegations of discriminatory misconduct by metropolitan government employees, including but not limited to employees of the police department, fire department, health department, department of codes administration, public works, metropolitan beer permit board, metropolitan development and housing agency and department of water and sewerage services, and fostering better relations between employees of metropolitan government and the people they seek to serve;

3. Lessening and eliminating prejudice and discrimination through educational and awareness-enhancing programs designed to promote tolerance, respect, and the value of diversity;

4. Proposing legislation addressing human relations issues in the general services district and enhancing the enforcement of statutes and ordinances that already exist;

5. Fostering mutual understanding, tolerance, and respect among all economic, social, religious, ethnic, and other community groups by working with existing educational, religious, governmental, social and community agencies. (Ord. 94-1129 § 1 (part), 1994)

**2.132.030      Composition—Qualifications, appointment, term and filling vacancies.**

The human relations commission shall consist of seventeen members, who shall be broadly representative of the population of the general services district. On the basis of recommendations from any and all interested parties, including the metropolitan council, as well as ethnic, racial, religious, neighborhood, civic, community, social, fraternal, educational, commercial and advocacy organizations, the mayor shall appoint the members of the human relations commission, subject to confirmation by a majority vote of the whole membership of the council. Except for the initial appointees, commission members shall serve staggered three years terms and may be reappointed for another term after which the member shall not be reappointed for at least one year. Of the initial members appointed, six members shall be appointed for one year, six members shall be appointed for two years, and five members shall be appointed for three years. Every member shall have been a resident of the general services district for at least one year prior to appointment, and shall continue to be a resident of the general services district so long as he/she shall serve as a member of the commission. In the event a vacancy is created on the commission by the death, incapacity, or resignation of a member, or by the failure of a member to continue to reside in the general services district, a successor for the unexpired term shall be appointed in the same manner as original appointments. (Ord. 94-1129 § 1 (part), 1994)

**2.132.040      Officers and committees—  
Employment of staff.**

A. The human relations commission shall elect its own chair and vice-chair by majority vote. The chair and vice-chair shall be voting members of the commission. Officers shall serve one-year terms. There shall be a three term limit for officers. The commission may create and appoint task forces and committees it deems appropriate to carry out its functions. When appropriate for purposes of investigating and adjudicating complaints, cases will be assigned to panels consisting of three commission members. The commission chair and vice-chair will appoint commissioners to panels and provide administrative oversight of panels; they will not

themselves serve on the panels. Each panel shall choose its own chair on a case-by-case basis.

B. The work of the commission shall be managed by an executive director, who shall be appointed by and serve at the pleasure of the commission. The commission shall employ such other persons as may be necessary to carry out the educational, administrative and investigative work of the commission and as may be within the limits of its budget appropriation.

C. The responsibilities of the commission staff, under the direction of the executive director, include managing commission records and accounts, developing public education programs, providing training for commission members, managing citizen complaints, seeking additional private-sector funding for the commission, facilitating commission scheduling and communication, and any other tasks needed to help the commission perform its functions. (Ord. 94-1129 § 1 (part), 1994)

**2.132.050      Quorum.**

The number of members of the human relations commission which shall constitute a quorum for the purpose of meeting and transacting business shall consist of one member more than one-half of the total members whose terms of office are effective at the time of any meeting. (Ord. 94-1129 § 1 (part), 1994)

**2.132.060      Scope of responsibilities.**

It is the responsibility of the commission to resolve complaints and carry out educational programs related to discrimination in the following areas:

A. Employment, including recruiting, hiring, firing, promotion, referral, and compensation;

B. Housing, including advertising, sales, renting, negotiating for sale or rent, financing, or insuring;

C. Financial services and commercial transactions, including banking, lending, collection, advising, investment management, or brokerage services;

D. The provision of public accommodations;

E. The provision of city activities and services, including but not limited to services provided the police department, fire department, health department, department of codes administration, public works, metropolitan beer permit board, metropolitan development and housing agency and department of water and sewerage services;

F. Educational programs and opportunities. (Ord. 94-1129 § 1 (part), 1994)

**2.132.070      Powers and duties.**

A. In the area of human rights, the commission will have the power and duty:

1. To investigate alleged discriminatory misconduct by employees of the metropolitan government, including but not limited to employees of the police department, fire department, health department, department of codes administration, public works, metropolitan beer permit board, metropolitan development and housing agency and department of water and sewerage services;

2. To investigate complaints regarding discriminatory practices by contractors working under agreements with metropolitan government;

3. To seek information from persons, agencies, and businesses and hold hearings regarding complaints related to civil and human rights in the general services district. At the commission's discretion, testimony may be taken under oath;

4. To investigate bias crimes, hate group activity, and other discriminatory practices;

5. To investigate, document, and comment upon systematic patterns and practices of misconduct and make recommendations to the mayor or appropriate supervisor;

6. To act as a conciliator in controversies and disputes involving human relations.

B. In the area of human relations, the commission will have the power and duty:

1. To develop and implement educational programs dedicated to the enhancement of human relations;

2. To gather data regarding human relations and discrimination within the city;

3. To hold hearings and convene public forums regarding issues related to civil and human rights in the general services district;

4. To advise and confer with the mayor and other members of metropolitan government regarding issues under its purview;

5. To recommend, draft, propose, and support legislative action to safeguard people within the general services district from discrimination;

6. To advise and consult with state and federal agencies regarding laws and policies addressing discrimination and other human relations issues;

7. To cooperate with educational institutions, local and national civil rights organizations, and community groups to study discrimination and foster better human relations.

C. In hearing complaints alleging misconduct by employees of metropolitan government, the commission shall have the power and duty to propose changes in policies and procedures of metropolitan government as they relate to the functions of the commission.

D. In hearing complaints alleging misconduct other than by employees of metropolitan government, the commission shall have the power and duty:

1. To request that the respondent cease and desist from the unlawful discriminatory practice;

2. To recommend that a respondent take such affirmative action as the commission deems appropriate;

3. When the respondent is a municipal government contractor, to recommend to the purchasing agency the conditions under which a contract or franchise should be continued in force, suspended, or terminated.

E. With respect to the administration of commission affairs, the commission shall have the power and duty:

1. To adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this chapter;

2. To publish monthly reports on dispositions of human rights complaints;

3. To publish quarterly reports that provide full statistical and descriptive information on the status and outcomes of complaints and cases reviewed by the commission, as well as on educational activities undertaken by the commission;

4. To prepare an annual report on the state of human relations in the city. (Ord. 94-1129 § 1 (part), 1994)

#### **2.132.080 Annual budget—Facilities.**

A. The human relations commission shall prepare annually a budget for the coming fiscal year, and shall submit such budget to the mayor in accordance with the Metropolitan Charter. Office space and facilities for the human relations commission shall be provided by the metropolitan government.

B. The human relations commission shall not have the power to expend any public funds for the employment of personnel or any other purpose until such time as an appropriation of funds for the commission has been adopted by the metropolitan council. (Ord. 94-1129 § 1 (part), 1994)

### **Chapter 2.136 PLANNING COMMISSION**

#### **Sections:**

#### **2.136.010 Commission authorized to adopt certain subdivision plat processing fees.**

#### **2.136.020 Fees charged for computer generated map reproduction.**

#### **2.136.010 Commission authorized to adopt certain subdivision plat processing fees.**

A. The metropolitan planning commission is authorized to adopt, as a part of its subdivision regulations, a schedule of fees to be charged for the processing of

subdivision plats, including but not limited to preliminary, final, zone lot partitions, planned unit developments, condominiums, and/or bonds related thereto.

B. Any regulations adopted pursuant to this section shall be done in accordance with Tennessee Code Annotated Section 13-4-303, and shall be filed with the metropolitan clerk upon final adoption by the metropolitan planning commission.

C. Upon adoption as set forth in subsection A of this section, such regulations shall have the same force and effect as other laws of the metropolitan government, and no plat or bond shall be recorded until the fees prescribed therein have been paid to the metropolitan government. (Prior code § 2-1-3.6)

#### **2.136.020 Fees charged for computer generated map reproduction.**

A. The metropolitan government acting through the metropolitan planning commission is authorized by Tennessee Code Annotated 10-7-409 and 10-7-506 to charge fees for the reproduction of any computer-generated map. The fee is based on the actual cost for the staff to produce the map except when the map is produced for commercial purposes for persons other than individuals requesting reproductions for themselves only. Maps produced for commercial purposes will be charged an additional fee. The fee schedule is on file at the office of the metropolitan clerk.

B. In lieu of the fees authorized by Section 4 of the ordinance codified in this section, and at the option of the person requesting digital map data having a commercial value, the metropolitan planning commission is authorized to issue a nonexclusive software license for digital mapping data for a term not to exceed three years which license will allow a user of the data to create additional value-added products for a one-time subscription fee of eight thousand one hundred dollars, and including an optional annual update fee of six hundred sixty dollars annually. (Ord. 97-797, 1997)

### **Chapter 2.140 PUBLIC RECORDS COMMISSION**

#### **Sections:**

**2.140.010 Commission created.**

**2.140.020 Public records defined.**

**2.140.030 Membership—Qualifications and terms of office—Vacancy filling.**

**2.140.040 Officers—Meetings—Quorum.**

**2.140.050 Rules and regulations.**

**2.140.060 Staff.**

#### **2.140.010 Commission created.**

There is created the public records commission for the purpose of providing the orderly disposition of public records created by all departments and agencies, including boards and commissions, of the metropolitan government of Nashville/Davidson County. (Ord. 97-845 § 1 (part), 1997)

#### **2.140.020 Public records defined.**

“Public records” shall be construed to mean:

A. All documents, papers, records, books, and books of account in all offices of the metropolitan government and county elected officials, including, but not limited to, the county clerk, the county register, the county trustee, the sheriff, the assessor of property;

B. The pleadings, documents, and other papers filed with the clerks of all courts including the courts of record, general sessions courts;

C. All documents created by any office or department of the old Davidson County or former city of Nashville, or of any office, department or agency of the metropolitan government. (Ord. 97-845 § 1 (part), 1997)

#### **2.140.030 Membership—Qualifications and terms of office—Vacancy filling.**

A. The Davidson County public records commission shall consist of six members:

The mayor shall appoint three members and the metro council shall confirm each appointee. Of the three appointees, one shall be a member of the metro council, one shall be a judge of one of the courts of record, and one shall be a genealogist.

B. The county clerk, county register, and county historian shall be ex officio members of the commission.

C. Each elected member of the commission shall hold office during the term for which the member was elected to office; any non-elected member of the commission shall serve for the term of the appointing official.

D. If a vacancy occurs in one of the appointed positions, the mayor shall appoint a person in the same manner as the original appointment. (Ord. 97-845 § 1 (part), 1997)

#### **2.140.040 Officers—Meetings—Quorum.**

The public records commission shall elect a chairman and a secretary, and shall preserve the minutes of all its proceedings and transactions. A majority of the full membership of the commission shall constitute a quorum for the purpose of meeting and transacting business. (Ord. 97-845 § 1 (part), 1997)

#### **2.140.050 Rules and regulations.**

The public records commission shall establish reasonable rules and regulations to accomplish the primary task of providing for the orderly disposition of records. Such rules shall provide, but not be limited to:

A. Standards and procedures related to the creation, filing, storage, disposal, preservation and duplication of records;

B. Appointment of Records Officers. The head of each department shall designate a records officer, who shall be an employee at the administrative level, and inform the commission chairman in writing of such designation. The records officer shall be the primary facilitator between the department and the staff of the records commission;

C. The rules shall be applicable to all metro government departments. (Ord. 97-845 § 1 (part), 1997)

#### **2.140.060 Staff.**

The archives division of the public library and the records division of the metropolitan clerks office shall share joint secretarial duties for the public records commission. (Ord. 97-845 § 1 (part), 1997)

### **Chapter 2.144 METROPOLITAN SOCIAL SERVICES COMMISSION**

#### **Sections:**

#### **2.144.010 Authority to use the name “metropolitan social services.”**

#### **2.144.010 Authority to use the name “metropolitan social services.”**

The metropolitan welfare commission of the metropolitan government is authorized to use the name “metropolitan social services,” and to use such name in the performance of its functions and the transactions of its business. (Prior code § 2-1-101.4)

### **Chapter 2.148 TOURISM AND CONVENTION COMMISSION**

#### **Sections:**

#### **2.148.010 Established—Qualifications of members.**

#### **2.148.020 Appointment, term of office and vacancy filling.**

#### **2.148.030 Budgetary and fiscal matters—Rules for purchase of service agreements.**

#### **2.148.010 Established—Qualifications of members.**

For the purpose of promoting tourist, convention and recreational activity, there is established the metropolitan tourism and convention commission. This commission shall be comprised of nine persons, at least one of whom shall be associated with a “large hotel” as that term is defined in Section 5.12.010 of the Metropolitan Code, as amended; one of whom shall be an African-American; and one of whom shall be a female, provided, however, an African-American female shall not satisfy the requirement of one African-American and one female, selected by the mayor of the metropolitan government in the following manner:

A. Four commissioners from a list of six persons submitted by the local hotel and motel association; one of whom shall be associated with a “large hotel” as that term is defined in Section 5.12.010 of the Metropolitan Code, as amended;

B. One commissioner from a list of three persons submitted by the Nashville Area Chamber of Commerce;

C. Four commissioners selected by the mayor of the metropolitan government from tourist-related industries. (Ord. BL2000-406 § 1, 2000; Ord. 94-968 § 1, 1994; Ord. 93-861 § 1, 1994; Ord. 93-847 § 1, 1993; Ord. 92-288 § 1, 1992; prior code § 15-1-53(a))

#### **2.148.020 Appointment, term of office and vacancy filling.**

Members of the commission shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. They shall serve terms of three years each, except that of the members appointed July 1, 1994, one member from the local hotel and motel association and two members from a tourist-related industry appointed by the mayor shall serve a term of three years from the date of appointment; one member from the local hotel and motel association, one member from the Nashville Area Chamber of Commerce, and one member from a tourist-related industry appointed by the mayor shall serve a term of two years from the date of appointment; and two members from the local hotel and motel association and one member from a tourist-related industry appointed by the mayor shall serve a term of one year from the date of appointment. Any vacancy other than by expiration of term shall be filled for the unexpired term. (Ord. 94-968 § 2, 1994)

#### **2.148.030 Budgetary and fiscal matters—Rules for purchase of service agreements.**

A. As relating to budgetary and fiscal matters and expenditures, the commission shall be subject to the same

provisions of the local organic law as the other boards and commissions established by the Charter of the metropolitan government, and the commission shall be responsible for preparing and submitting a program budget for all funds to be expendable pursuant to subsections (A)(1) and (2) of Section 5.12.060 of this code for appropriate action by the metropolitan government.

B. Administrative rules and procedures for establishing and implementing the purchase of service agreements under subsections (A)(1) and (2) of Section 5.12.060 of this code shall be promulgated and approved by the metropolitan mayor. These rules shall be filed with the metropolitan clerk within six months after passage of the ordinance codified in this chapter and Chapter 5.12 of this code. The commission shall operate pursuant to these rules. (Prior code § 15-1-53(c))

## **Division V. Other Agencies and Bureaus**

### **Chapter 2.152 METRO BEAUTIFICATION AND ENVIRONMENT COMMISSION**

#### **Sections:**

##### **2.152.010 Establishment.**

##### **2.152.020 Membership—Appointment, compensation and term of office.**

##### **2.152.030 Organization and staffing.**

##### **2.152.040 Powers and duties.**

#### **2.152.010 Establishment.**

There is established within the department of parks and recreation of the metropolitan government a division of such department, which shall be known as the metro beautification and environment commission. (Ord. 92-354 § 1, 1992; prior code § 2-1-53)

#### **2.152.020 Membership—Appointment, compensation and term of office.**

A. The metro beautification and environment commission shall be composed of thirty-five members as follows: one member from each councilmanic district within the county, who shall be appointed by the mayor. All members, shall serve without compensation and for terms of three years each except that of the members appointed July 1, 1992, members from Councilmanic Districts 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34 shall serve for a term of one year from the date of appointment; members from councilmanic districts 2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35 shall serve for a term of two years from the date of appointment; members from Councilmanic Districts 3, 6, 9, 12, 15, 18, 21, 24, 27, 30

and 33 shall serve for a term of three years from the date of appointment. Members shall not serve more than two consecutive terms. The chairperson shall be a member of the metro beautification and environment commission and shall be elected by the membership. The chairperson shall serve for one year. The immediate past chairperson shall serve for one year as advisor and may or may not serve as a district representative.

B. In addition to these members, the following shall serve as ex officio members of the metro beautification and environment commission: the director of fire, the director of the department of metropolitan police, the director of codes administration, the director of parks and recreation, the director of public works, the director of the planning commission, and a representative of the mayor's staff, each to serve during his term of office; one member of the metropolitan board of education, one member of the metropolitan board of parks and recreation, and one member of the metropolitan board of health, such members to be selected by their respective boards for a term of one year. (Ord. 92-354 §§ 2, 3 (part), 1992; Ord. 89-881 § 1, 1989; prior code § 2-1-54)

#### **2.152.030 Organization and staffing.**

The metro beautification and environment commission shall be a division of the department of parks and recreation. All positions in the metro beautification and environment commission of the department of public works are hereby transferred to the department of parks and recreation. All persons whose position is transferred to the department of parks and recreation shall be subject to transfer according to the civil service rules. (Ord. 92-354 § 3 (part), 1992; prior code § 2-1-56)

#### **2.152.040 Powers and duties.**

A. The powers and duties of the metro beautification and environment commission shall be to advise the metropolitan director of parks and recreation and to recommend, coordinate and develop plans for improving cleanliness within the area of the metropolitan government by beautifying the streets, highways, alleys, lots, yards and other similar places within the metropolitan government. They shall further advise the director of parks and recreation concerning the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots and other similar places; to encourage the placing, planting and preservation of trees, flowers, plants, shrubbery and other objects of ornamentation in the metropolitan government; and otherwise promote public interest in the general improvement of the appearance of the area of the metropolitan government; provided, that nothing herein shall be construed to abridge or change the

powers and duties of the other commissions, departments, boards and like agencies of the metropolitan government.

B. In exercising its duties and powers, the metro beautification and environment commission shall advise with, recommend to and coordinate with other agencies of the metropolitan government the programs of which involve the cleanliness and appearance of the metropolitan government area.

C. The metro beautification and environment commission is not and shall not be deemed to be a board or commission of the metropolitan government. (Ord. BL2000-354 § 1, 2000; Ord. 92-354 § 3 (part), 1992; prior code § 2-1-55)

## **Chapter 2.154 GREENWAY COMMISSION**

### **Sections:**

#### **2.154.010 Establishment/Membership.**

#### **2.154.020 Advisory committee.**

#### **2.154.030 Duties and responsibilities.**

#### **2.154.010 Establishment/Membership.**

A greenway commission is established for Nashville and Davidson County, to be composed of the following members:

A. Seven persons appointed by the mayor, who shall serve without compensation, and who shall serve for terms of three years, except that, of the members first appointed, two shall serve for a term of one year, two shall serve for a term of two years, and three shall serve for a term of three years;

B. Four members of the metropolitan council, three of whom serve on the parks, library, recreation and auditorium committee of the council, and selected by that committee, and one other at-large council member selected by the vice-mayor. Such council members selected shall serve for a term not to exceed two years, which terms shall begin within sixty days after council elections, and sixty days after the middle of the councilmanic term;

C. Five employees of the metropolitan government, serving as nonvoting ex officio members, representing related departments, as follows:

1. The mayor or his designee;
2. The director of the parks department or his designee;
3. The director of the planning commission or his designee;
4. The director of the department of public works or his designee;
5. A member of the board of parks and recreation, to be designated by that body. (Ord. 93-787 § 1, 1993)

#### **2.154.020 Advisory committee.**

An advisory committee shall be created to advise the greenway commission. This committee shall include one member from each councilmanic district, selected by the council member from that district, and such other persons as may be designated by the greenway commission. (Ord. 91-13 § 2, 1991)

#### **2.154.030 Duties and responsibilities.**

A. The greenway commission shall have the following duties and responsibilities:

1. To identify areas of the county which are appropriate for development of greenways;
2. To develop a long-range, comprehensive greenway plan for the county, which will link existing parks where feasible;
3. To develop criteria for use in selection and prioritizing of areas for the development of greenways;
4. To recommend, within the first year of the commission's existence, a pilot project which will demonstrate the values of greenways;
5. To identify funding sources for greenways and means of encouraging donation of land or easements for greenways; and
6. To involve citizens in the planning process to the maximum extent feasible.

B. The greenway commission is not and shall not be deemed to be a board or commission of the metropolitan government. (Amdt. 1 to Ord. 91-13, 11/19/91; Ord. 91-13 § 3, 1991)

## **Chapter 2.156 EMERGENCY COMMUNICATIONS DISTRICT**

### **Sections:**

#### **2.156.010 Created.**

#### **2.156.020 Membership—Appointment and term of office.**

#### **2.156.030 Powers and duties—Statutory authority.**

#### **2.156.010 Created.**

There is created an emergency communications district to be known as the "emergency communications district of metropolitan Nashville and Davidson County" within the boundaries of the metropolitan government of Nashville and Davidson County. (Ord. 88-609 § 1, 1989)

#### **2.156.020 Membership—Appointment and term of office.**

A. The board of directors of the emergency communications district shall have nine members,



appointed by the metropolitan county mayor, subject to confirmation by the metropolitan county council. Appointments to the board of directors shall include members selected from minorities as well as members of the sex which historically has been underrepresented on boards and commissions of the metropolitan government; provided, however, that one member to the board shall be selected from each of the school districts of the metropolitan board of public education.

B. Members of the board of directors shall serve for a term of four years; provided, however, that the initial members shall be appointed for staggered terms of two, three and four years, dating from the effective date of the ordinance codified in this chapter. The members shall serve without compensation. (Amdt. 1 to Ord. 88-609, 12/20/88; Ord. 88-609 § 3, 1989)

**2.156.030 Powers and duties—Statutory authority.**

The emergency communications district shall be vested with and exercise such powers as are authorized by the Emergency Communications District Law, Chapter 867, Public Acts 1984, as the same is or may be modified from time to time. (Ord. 88-609 § 2, 1989)

**Chapter 2.160  
COMMUNITY EDUCATION ALLIANCE**

**Sections:**

**2.160.010 Created.**

**2.160.020 Membership—Appointment and term of office.**

**2.160.030 Powers and duties.**

**2.160.010 Created.**

The metropolitan council hereby creates the community education alliance to be a board of the metropolitan government of Nashville and Davidson County. (Prior code § 2-1-101.31)

**2.160.020 Membership—Appointment and term of office.**

A. The alliance shall be comprised of eight members, five of which shall be elected from the central community council and shall also be members of a local school community council. These members shall serve a term of two years. The remaining three members shall be the mayor, the director of schools, and the chairperson of the school board.

B. The terms of the members elected shall be staggered so that two members will originally serve for a one-year term, and two members will originally serve for a

two-year term. Thereafter, appointments shall be made for terms of two years.

C. The mayor, the director of schools and the chairman of the school board shall be authorized to appoint a representative to serve and to have full authority to vote on all measures coming before the alliance in the event the designated representative cannot attend. The designation shall be in the form of a letter from the appointed representative, which shall be valid for a one-year period from the date of such letter. (Ord. 89-1018 §§ 1, 2, 1990; prior code § 2-1-101.32)

**2.160.030 Powers and duties.**

It shall be the duty of the alliance to:

A. Approve the administrative contracts for the community education program, which includes the number of sites, locations, and the review of the budget at each site;

B. To act as arbitrator in all disputes for problems not resolved by the central community council;

C. To employ such persons as may be authorized by the metropolitan council;

D. Shall be authorized to establish rules and regulations governing their operation. (Prior code § 2-1-101.33)

**Chapter 2.164  
METROPOLITAN NASHVILLE GENERAL  
HOSPITAL**

**Sections:**

**2.164.010 Admittance conditions—Discrimination prohibited.**

**2.164.050 Contracting authority for the board of hospitals.**

**2.164.010 Admittance conditions—  
Discrimination prohibited.**

A. Physicians and nurses of Metropolitan Nashville General Hospital shall treat all patients appearing for emergency care, the existence of such emergency to be determined by the hospital staff.

B. All reputable, qualified and licensed practicing physicians in Davidson County shall be entitled to commit or have committed, without regard to race, color or creed, and in keeping with rules and requirements of the joint commission of hospitals accreditation, to the Metropolitan Nashville General Hospital, patients for private care by them and at their direction, provided such person meets the financial requirements for admittance. (Prior code § 21-1-1)

**2.164.050 Contracting authority for the board of hospitals.**

The board of hospitals may enter into contracts for the receipt of payment of health care service with companies, corporations, or organizations which are in the business of providing health care insurance coverage to companies, individuals or employees or with companies, corporations or organizations which are in the business of paying for health care services on behalf of an employer or other entity; and such contract must be approved and signed by the metropolitan department of law, signed by the director of finance, and filed with the office of the metropolitan clerk. No such contract shall create liability sounding in tort on the part of the Metropolitan Government for an amount exceeding the limits specified in the Tennessee Governmental Tort Liability Act 29-20-101 et seq. Any liability on the part of the metropolitan government sounding in contract shall not exceed the fees paid by the contractor to the metropolitan government under the contract. (Amdt. 1 with Ord. 98-1353 § 1, 1998)

**Chapter 2.168  
METROPOLITAN HIGHWAY AND  
TRANSPORTATION SAFETY COORDINATING  
COUNCIL**

**Sections:**

**2.168.010 Created—Powers and duties.**

**2.168.020 Membership.**

**2.168.030 Authority for operations—Contracts.**

**2.168.040 Planning staff and assistance of other personnel.**

**2.168.050 Actions requiring appropriations and grants.**

**2.168.010 Created—Powers and duties.**

There is created and established a metropolitan highway and transportation coordinating council, which shall be charged with the following duties and responsibilities, and shall have the following powers:

A. Implementation of programs in highway and transportation to promote the safety, security and dignity of all Nashvillians;

B. The formulation, submission and administration of action grants requested to the proper agencies within the state and federal agency;

C. The maintenance of such records and documentation as are required, the proper utilization of federal funds, and compliance with state requests for statistical and substantive information requests to proper planning at the statewide level;

D. The monitoring and evaluation of all component agency planning activities which are likely to affect implementation of highway and transportation safety to insure conformity therewith;

E. The encouragement of component agency self-analysis and internal modernization in order to better meet the needs of the community;

F. The coordination of system-wide and component agency endeavors to formulate innovative legislative programs; and the evaluation of such proposed legislation to insure conformity with all agencies within metropolitan government;

G. The formulation of research and experimental programs to shed light on the overall problems of highway and transportation safety in metropolitan Nashville and Davidson County. (Prior code § 2-1-101.46)

**2.168.020 Membership.**

A. Membership in the metropolitan highway and transportation safety coordinating council shall be the mayor of metropolitan Nashville; the executive secretary of traffic and director of the metropolitan legal department; the chief of police; the presiding general sessions judge; a representative of the department of education; the director of public works; the director of data processing; the chief traffic engineer for the traffic and parking commission; the chief of the fire department; the fire marshal; the director of emergency medical service; the director of the planning commission; the director of the criminal justice coordinating council; the State Highway Safety Coordinator; four metropolitan government citizens; the director of metropolitan hospitals; the director of the metropolitan transit authority; the director of civil defense; and the director of finance, who shall be a nonvoting member. Other ex officio members may be appointed from time to time as the need arises. (Ord. 89-1019 §§ 1, 2, 1989; prior code § 2-1-101.47)

**2.168.030 Authority for operations—Contracts.**

The metropolitan highway and transportation safety council shall conduct its operations in accordance with the Charter, ordinances of the metropolitan government, and executive and administrative orders issued by the mayor. The council is expressly authorized, acting through the metropolitan mayor, to enter into such contracts as will further its policies and programs, and are consistent with its budgetary limitations. (Prior code § 2-1-101.49)

**2.168.040 Planning staff and assistance of other personnel.**

In order to facilitate more effective policymaking, planning and plan implementation, the metropolitan

highway and transportation safety coordinating council is authorized to retain a professional planning staff. The council may set forth such positions as it deems necessary, consistent with its administrative duties, and may employ such persons within its budgetary limitations. The council is further authorized to call upon existing personnel in the service of the metropolitan government to assist in the fulfillment of its responsibilities in conformity of other agencies within local, state and federal government. (Prior code § 2-1-101.48)

**2.168.050      Actions requiring appropriations and grants.**

Any and all actions of the highway and transportation safety coordinating council involving the appropriation of funds and grant applications shall be submitted, by resolution, to the metropolitan council for approval. (Prior code § 2-1-101.50)

**Chapter 2.172  
HOUSING AND HOME FINANCE AGENCY  
REQUIREMENTS**

**Sections:**

**2.172.010 Conformance with federal regulations required.**

**2.172.010      Conformance with federal regulations required.**

A. The United States of America and the Housing and Home Finance Administrator are hereby assured by the council of the metropolitan government of Nashville and Davidson County of full compliance with the Rules and Regulations of the Housing and Home Finance Agency effectuating Title VI of the Civil Rights Act of 1964.

B. Title VI of the Civil Rights Act of 1964 will apply to all projects of the metropolitan government just as fully as if specifically enumerated herein.

C. The board of commissioners of the Nashville housing authority, all departments, commissions, boards, agencies and services of the metropolitan government, and all educational institutions and hospitals of this metropolitan government offering or proposing public facilities as noncash local grant-in-aid credits, fully and immediately conform with all provisions of such Act and regulations, and do and perform all things necessary to indicate the recognition that Title VI of the Civil Rights Act of 1964 and the regulations and policies of the Housing and Home Finance Agency effectuating said Title and prohibiting discrimination on the grounds of race, color or national origin will be complied with in the policies and practices of any such public facility, hospital

or educational institution, and assuring the United States and the Housing and Home Finance Administration that any such public facility offered as a noncash local grant-in-aid will be available to and serve all persons without regard to race, color or national origin.

D. The board of commissioners of the Nashville Housing Authority is authorized to fully comply with the rules and regulations of the Housing and Home Finance Agency, the Urban Renewal Authority and the Public Housing Authority, applying to its contracts with any agent, contractor or subcontractor, requiring them to comply with Title VI of the Civil Rights Act of 1964, or any other rules, regulations or presidential proclamations prohibiting discrimination because of race, color, creed or national origin, and to keep such public records showing compliance therewith as shall be required by such public agencies. (Prior code § 14A-1-13)

**Chapter 2.174  
DISTRICT MANAGEMENT CORPORATION**

**Sections:**

**2.174.010 District created—Boundary.**

**2.174.020 Purposes and mission.**

**2.174.030 Liberal construction.**

**2.174.040 Definitions.**

**2.174.050 District management corporation.**

**2.174.060 District management corporation powers.**

**2.174.070 Annual budget.**

**2.174.080 Estimated costs and rate of levy—Special assessment procedure.**

**2.174.090 Dissolution of the district management corporation.**

**2.174.010      District created—Boundary.**

There is created a central business improvement district (CBID) which shall include all properties within that area of the city bounded and generally described as follows:

Beginning at the northeast corner of the intersection of Eighth Avenue South at Demonbreun Street, northeastwardly to the northwest corner of the intersection of Demonbreun Street and First Avenue South; thence northwestwardly on First Avenue South to the intersection of First Avenue South and the underpass of Shelby Avenue; thence northeastwardly with Shelby Avenue to the west bank of the Cumberland River; thence northwestwardly along said river bank to a point where the Woodland Street Bridge crosses the Cumberland River; thence southwestwardly to the intersection of Woodland Street (also known as Public Square and/or Deaderick

Street) and First Avenue North; thence northwestwardly along First Avenue North to the southerly margin of James Robertson Parkway; thence southwestwardly to the intersection of James Robertson Parkway and Third Avenue North; thence southeastwardly to the intersection of Third Avenue North and Charlotte Avenue; thence southwestwardly on Charlotte Avenue to the intersection of Charlotte Avenue and Sixth Avenue North; thence southeastwardly on Sixth Avenue North to the intersection of Sixth Avenue North and Union Street; thence southwestwardly on Union Street to and around a curve where Union Street becomes Ninth Avenue North, continuing southeastwardly to the intersection of Ninth Avenue North and Church Street; thence northeastwardly on Church Street to the intersection of Church Street and Eighth Avenue North; thence southeastwardly across Broadway to the intersection of Demonbreun Street being the point of beginning.  
(Ord. 98-1037 § 1 (part), 1998)

#### **2.174.020 Purposes and mission.**

A. The metropolitan Council finds and declares that the establishment of a CBID will promote the successful revitalization of downtown Nashville thereby furthering the health, safety, morals and general economic welfare of metropolitan Nashville and Davidson County.

B. The purpose and mission of this CBID is declared to be: to undertake and provide an enhanced level of programs and services not provided by the metropolitan government which will help maintain downtown Nashville as a clean, safe and vibrant place to work, live, shop and play. (Ord. 98-1037 § 1 (part), 1998)

#### **2.174.030 Liberal construction.**

This chapter, being necessary to secure and preserve the public health, safety, convenience and welfare, shall be liberally construed to effectuate its purposes. (Ord. 98-1037 § 1 (part), 1998)

#### **2.174.040 Definitions.**

As used in this chapter, unless a contrary meaning clearly appears:

“Assessed value” means value as assessed for municipal tax purposes.

“District” or “central business improvement district” or “CBID” means the central business improvement district created by this chapter.

“District management corporation” means the board or organization created or the organization appointed to act as an advisory board for the purpose of making and carrying out recommendations for the use of special assessment revenues, and for the purpose of administering activities

within and for the district and the provision of services and projects within and for the district.

“Initiating petition” means the petition filed in the office of the metropolitan clerk requesting the establishment of the CBID.

“Owner” means the record owner of real property in fee or a representative of such owner duly authorized to act for and on behalf of said owner. (Ord. 98-1037 § 1 (part), 1998)

#### **2.174.050 District management corporation.**

A. There is authorized a district management corporation to be chartered pursuant to the provisions of the Nonprofit Corporation Act of Tennessee for the purpose of administering the special assessment revenues and the activities within and for the district, the making of improvements within and for the district, and the provision of services and projects within and for the district.

B. The district management corporation shall be governed by a board of directors consisting of at least twelve members. At least three members shall be appointed as provided in subsection C of this section. The mayor of the metropolitan government of Nashville and Davidson County shall appoint one of the eleven members who shall serve an initial two-year term. The Nashville downtown partnership shall appoint the remaining eight members who shall serve staggered, three-year terms. All eight members shall be property owners or have offices within the district. At least two of these eight members shall be large property owners and at least two shall be small property owners, as defined in the corporate charter of the district management corporation. One of the eight members shall be a commercial tenant. Four of the members appointed by the downtown partnership shall be appointed for an initial one-year term and four of the members appointed by the downtown partnership shall be appointed for an initial two-year term. At the end of these initial terms these seats shall then be filled at an annual meeting upon nomination by the outgoing board members and confirmation by a majority of the owners of real property in the district voting in the election. A property owner may vote by proxy vote.

C. The Speaker of the Senate of the State of Tennessee shall appoint the senator whose senate district includes the majority of the area contained within the CBID to serve as an ex officio member and the Speaker of the House of Representatives of the State of Tennessee shall appoint the representative whose house district includes the majority of the area contained within the CBID as an ex officio member. In addition, any member of council whose council district includes any of the area contained within the CBID shall serve as an ex officio

member. The ex officio members shall serve for the term for which they are elected and shall not be counted in determining the presence of a quorum.

D. Vacancies on the board for elected members shall be filled by the remaining board members present and voting to fill the vacancy. (Amdt. 1 with Ord. 98-1037 § 1 (part), 1998)

#### **2.174.060 District management corporation powers.**

A. In furtherance and not in limitation of the general powers conferred upon a CBID by Chapter 84 of Title 7 of the Tennessee Code Annotated and in keeping with the purposes of the CBID set forth herein it is expressly provided that the district management corporation shall have the following powers which shall be exercised at the discretion of the district management corporation acting through its board of directors, as follows:

1. To acquire, construct or to maintain parking facilities;
2. To acquire, construct or maintain public improvements;
3. To acquire real property or an interest therein connection with a public improvement;
4. To provide services for the improvement and operation of the district, to supplement those provided by the metropolitan government, as follows:
  - a. Promotion and marketing,
  - b. Advertising,
  - c. Health and sanitation,
  - d. Public safety,
  - e. Elimination of problems related to traffic and parking,
  - f. Security services,
  - g. Recreation,
  - h. Cultural enhancements,
  - i. Activities in support of business or residential recruitment, retention and management development,
  - j. Aesthetic improvements, including the decoration, restoration or renovation of any public space or of building facades and exteriors in public view which confer a public benefit,
  - k. Professional management, planning and promotion of the district,
  - l. Consulting with respect to planning, management and development activities,
  - m. Furnishing of music in any public place,
  - n. Design assistance, and
  - o. Such other services as are authorized by Tennessee Code Annotated, Section 7-84-520;
5. To enter into contracts and agreements with other persons or entities;

6. To hire employees or retain agents, engineers, architects, planners, consultants, attorneys and accountants;

7. To acquire, construct, install and operate public improvements contemplated by this chapter and all property rights or interests incidental or appurtenant thereto, and to dispose of real and personal property and any interest therein including leases and easements in connection therewith;

8. To manage, control and supervise:

- a. All the business and affairs of the district,
  - b. The acquisition, construction and installation and operation of public improvements within the district,
  - c. The operation of district services therein;
9. To construct and install improvements across and along any public street, alley, highway, stream of water or watercourse in accordance with state and local laws, rules or regulations;

10. To construct and operate child care facilities;

11. To accept, administer and comply with the conditions and requirements respecting any appropriation of funds or any gift, grant or donation of property or money to the central business improvement district; and

12. To exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this section.

B. All services to the district listed above shall be provided by the district management corporation as a service to and in support of the metropolitan government and such services are to be paid for out of revenues from the special assessment. Revenues from special assessments shall be used to supplement and not to pay for the same level of services provided by the metropolitan government within the district as are provided throughout the urban services district. In no event will the level of urban services provided to the district be decreased as a result of the enhanced level of services provided through the special assessment revenues; provided, however, the level of urban services may be decreased for other reasons. In carrying out these responsibilities, the district management corporation must comply with all applicable provisions of law, including Chapter 84 of Title 7 of Tennessee Code Annotated, all city resolutions and ordinances and all regulations lawfully imposed by the State Auditor or other state agencies.

C. Initial Improvements. The following improvement programs are examples of services authorized to be undertaken within the district during its first year of operation:

1. Security Enhancement. Initially consisting of additional, unarmed security patrols within the CBID and homeless outreach programming;

2. Downtown Marketing. Creating business recruitment and retention materials, promoting downtown Nashville to consumers through publications, programming and expansion of current visitor marketing efforts; and

3. Improving downtown beautification, sanitation and maintenance. (Ord. 98-1037 § 1 (part), 1998)

#### **2.174.070 Annual budget.**

The district management corporation shall annually submit to the metropolitan council a financial report and a written report of its activities for the preceding year together with a proposed budget for the next year. The annual budget shall include a projection of revenues from the special assessment and a projection of expenditures for projects, services and activities of the district management corporation and shall be reviewed and approved by the metropolitan council, or if not approved shall be returned to the board of directors for revision and resubmission until the metropolitan council shall approve the annual budget. (Ord. 98-1037 § 1 (part), 1998)

#### **2.174.080 Estimated costs and rate of levy— Special assessment procedure.**

A. The estimated costs of the initially proposed improvements, services projects and other permitted uses of special assessment revenues is five hundred thousand dollars.

B. The initial rate of levy of the special assessment for the CBID shall be fifteen cents per one hundred dollars of assessed value of real property. Such rate of levy shall continue in force until changed by the metropolitan council in accordance herewith. A change in the rate of levy of such special assessment may be initiated only by a resolution of the district management corporation requesting that the rate be changed. Further, this resolution must be approved in an election held by the district management corporation by not less than a majority in number of the owners of real property in the district voting in such election. In addition, the assessed value of the property in the district owned by all of the persons voting affirmatively must equal or exceed at least two-thirds of the assessed value of the property in the district owned by all persons voting. Upon receipt of this resolution from the district management corporation, the metropolitan council must hold a public hearing on whether there should be a change in the rate of levy for the special assessment.

C. Beginning in 1998, special assessments shall be levied against all taxable real property within the CBID pursuant to a special assessment roll of all owners of real property within the district as shown in the records of the assessor of property for the metropolitan government of

Nashville and Davidson County, including owners of leaseholds on property owned by the industrial development board of the metropolitan government of Nashville and Davidson County.

D. Notice of the special assessment shall be issued simultaneously with tax notices for regular metropolitan Nashville real property taxes, and revenues from the special assessment shall be collected by the metropolitan trustee and placed into a segregated account subject to the direction of the metropolitan council and the district management corporation to the extent it is empowered by this chapter.

E. Special assessments shall be imposed and collected annually as set forth hereinabove and changes in the rate or additions to the rate of the special assessment may be made only on an annual basis and only in accordance with the procedure set forth in Section 2.08.070(B).

F. Penalty and interest in the amount permitted by state law shall be added to any such assessment or installment thereof not paid on or before the date prescribed by the metropolitan government of Nashville and Davidson County. (Ord. 98-1037 § 1 (part), 1998)

#### **2.174.090 Dissolution of the district management corporation.**

A. The district shall be dissolved without further action by the district management corporation or the metropolitan council on December 31, 2007. However, the district shall not be dissolved if, prior to that date the metropolitan council, by ordinance, determines that the district should be continued and a petition that satisfies the requirements of the Central Business Improvement Act, Tennessee Code Annotated Section 7-84-501 et seq. is filed requesting that the district be continued.

B. The metropolitan council may dissolve the district upon receipt of a written petition filed either: (a) by the owners of seventy-five percent of the assessed value of the taxable real property in the district based on the most recent certified city property tax rolls; or (b) by fifty percent of the owners of record within the district.

C. The district may not be dissolved if the metropolitan government has outstanding any bonds, notes or other obligations payable solely from the special assessment revenues levied on the real property within the district in which case such dissolution may occur only at such time as such bonded indebtedness has been repaid in full or the metropolitan government pledges to the payment of such indebtedness its full faith and credit and unlimited taxing power. Upon dissolution of the corporation, after paying or making provision for the payment of all outstanding liabilities of the corporation, then unpaid, the board of directors shall distribute the

assets of the corporation exclusively for the religious, charitable, scientific, literary and educational purposes of the corporation within the meaning of Section 501(c)(3) of the Internal Revenue Code, in such manner as the board of directors shall determine. Any assets not so distributed shall be distributed to one or more governmental units then described under Section 170(c)(1) of the Internal Revenue Code, or to one or more organizations then described under section 501(c)(3) and Section 170(c)(2) of the Internal Revenue Code, as the board of directors shall determine. Any assets not so disposed of by the board of directors shall be disposed of by a Davidson County Chancery Court, with the distribution of such assets to be made for such charitable purposes, or to such governmental units then described under Section 170(c)(1) of the Internal Revenue Code, or to such organization(s) then described in Section 501(c)(3) and section 170(c)(2) of the Internal Revenue Code, as such court shall determine. (Ord. 2002-1064 § 1, 2002; Ord. BL2000-404 § 1, 2000; Ord. 98-1037 § 1 (part), 1998)

## **Chapter 2.175 NASHVILLE CAREER ADVANCEMENT CENTER**

### **Sections:**

#### **2.175.010 Creation.**

#### **2.175.020 Director—Duties.**

#### **2.175.030 Personnel.**

#### **2.175.040 Duties and powers.**

#### **2.175.010 Creation.**

There is hereby created the Nashville Career Advancement Center (NCAC) which shall be a division of the office of the mayor. (Ord. BL2001-697 § 1 (part), 2001)

#### **2.175.020 Director—Duties.**

A. There shall be an executive director of the NCAC who shall be appointed by the mayor and who shall be responsible for the day-to-day operation and management of the NCAC. The position of the executive director shall be in the unclassified service. The executive director shall have the following specific duties:

B. The supervision, direction, and control of the functions of the NCAC.

C. Supervision, direction, and control of the employees of the NCAC.

D. Coordination among government departments, agencies and officials as necessary to meet the objectives of the NCAC and the other administrative entities created

by the state of Tennessee under the Workforce Investment Act of 1998 (Federal Act).

E. Performance of other oversight responsibilities as directed by the mayor. (Ord. BL2001-697 § 1 (part), 2001)

#### **2.175.030 Personnel.**

All employees of the office of the mayor assigned to the Nashville Career Advancement Center as of the effective date of this ordinance shall be transferred to the NCAC and shall continue to be in the unclassified service. (Ord. BL2001-697 § 1 (part), 2001)

#### **2.175.040 Duties and powers.**

A. To administer programs as described in the workforce development system pursuant to the Federal Act's rules and regulations promulgated to carry out the purposes of the Act; and applicable federal, state, and local laws, rules and regulations.

B. Subject to the approval by resolution of the metropolitan council, NCAC may accept grants of funds made available to accomplish the purpose and intent of the Federal Act and enter into operational agreements using such funds with the local work force investment board and any successor or additional agency as established and required by the Federal Act.

C. To promote, coordinate and implement employee recruitment, skill assessments, skills training, and career counseling to employers, and the general public to improve the quality of the metropolitan Davidson County and surrounding area workforce.

D. To develop and implement employee retention services including the development and operation of satellite and corporate career centers in the metropolitan Davidson County and surrounding areas.

E. To develop and implement professional services programs designed to help employers and employees understand the labor market.

F. To render training and other services related to employment issues in the workplace.

G. To receive and disburse all funds related to program operations in the local area.

H. To monitor and evaluate program operations implemented under the Federal Act.

I. To contract with vendors for services contemplated by the Federal Act.

J. To determine and verify participant eligibility as defined by the Federal Act. (Ord. BL2001-697 § 1 (part), 2001)

## **Division VI. Other Programs and Policies**

**Chapter 2.188**  
**REPORT AND DOCUMENT FILING POLICY**

**Sections:**

**2.188.010 Persons and firms providing professional services to file final reports and recommendations with metropolitan clerk.**

**2.188.010 Persons and firms providing professional services to file final reports and recommendations with metropolitan clerk.**

Any person, firm, corporation or other entity employed by the metropolitan government to provide professional services, efficiency experts, rate consultants and other feasibility consultants, shall be required to file a copy of all final reports or recommendations presented to any department, agency, commission or board of the metropolitan government, including the office of the mayor, in the office of the metropolitan clerk. (Amdt. 1 to Ord. 89-1085, 2/20/90; Ord. 89-1085 § 1, 1990)

**Chapter 2.196**  
**LOBBYIST REGISTRATION AND DISCLOSURE**

**Sections:**

- 2.196.010 Title for citation.**
- 2.196.020 Definitions.**
- 2.196.030 Administration of provisions—Powers and duties.**
- 2.196.040 Registration—Required when—Term—Fee.**
- 2.196.050 Registration—Contents—New filing required when.**
- 2.196.060 Lobbying report requirements.**
- 2.196.070 Employment agreements for lobbyists.**
- 2.196.080 Unlawful activities designated.**
- 2.196.090 False complaints.**
- 2.196.100 Violation—Penalty.**

**2.196.010 Title for citation.**

The ordinance codified in this chapter shall be known and may be cited as the “lobbyist registration and disclosure ordinance.” (Ord. 91-1484 § 1, 1991)

**2.196.020 Definitions.**

As used in this chapter, unless the context otherwise requires:

“Administrative action” means the taking of any recommendation, report or nonministerial action, the making of any decision or taking any action to postpone

any action or decision, action of the mayor in approving or vetoing any ordinance or resolution, the promulgation of a rule and regulation, or any action of a quasi-legislative nature, by an official in the executive branch.

“Association” means a union, league, chamber of commerce, committee, club, or other membership organization;

“Candidate for public office” means an individual who has made a formal announcement of his candidacy or qualified under the law of this state to seek nomination for election or elections to any metropolitan government office, or has received contributions or made expenditures except for incidental expenditures to determine if one shall be a candidate, or has given his consent for a campaign committee to receive contributions or make expenditures with a view to bringing about his nomination for election or the election to metro government office, and any individual who has been nominated for appointment as an official in the legislative or executive branch.

“Compensation” means any salary received or to be received by anyone acting as a lobbyist, whether in the form of a fee or salary, and any combination thereof. Compensation does not include the salary of an individual whose lobbying is incidental to his regular employment.

“Executive agency” means a commission, board, agency or other body in the metropolitan government that is not a part of the legislative or judicial branch.

“Expenditure” means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make an expenditure; “expenditure” also includes any honorarium.

“Gift” means a payment, honorarium, subscription, loan, advance, forbearance, rendering or deposit of money or services, any of which are valued at fifty dollars or more, unless consideration of equal or greater value is received. “Gift” does not include a political contribution otherwise reported as required by law, a commercially reasonable loan made in the ordinary course of business, or a gift received from a member of the person’s immediate family or from a relative within the third degree of consanguinity of the person or of the person’s spouse, or from the spouse of any such relative. “Gift” does not include the waiver of a registration fee for a conference or educational seminar. A “gift” to an officer or employee of the executive branch of metro government means a payment, honorarium, subscription, loan, advance, forbearance, rendering or deposit of money or services, any of which are valued at twenty-five dollars or more, unless consideration of equal or greater value is received.



“Honorarium” means payment of money or anything of value for an appearance, speech or article, but “honorarium” does not include actual and necessary travel expenses which are not paid or reimbursed.

“Immediate family” means a spouse or minor child living in the household.

“Influencing legislative or administrative action” means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses, but not including the furnishing of information, statistics, studies or analyses requested by an official of the legislative or executive branch to such official, or the giving of testimony by an individual testifying at an official hearing conducted by officials of the legislative or executive branch.

“Legislative action” means introduction, sponsorship, debate voting or any other nonministerial official action or nonaction on any ordinance, resolution, amendment, nomination, appointment, report or any other matter pending or proposed in a council committee or in the council.

“Lobby” means to communicate, directly or indirectly, with any official in the legislative branch or executive branch for pay or for any consideration, for the purpose of influencing any legislative action or administrative action.

“Lobbyist” means any person who engages in lobbying.

“Ministerial action” means an action that a person performs in a prescribed manner in obedience to the mandate of legal authority, without regard to, or the exercise of, his own judgment upon the propriety of the action being taken.

“Official in the executive branch” means any member or employee of a commission, agency or other body in the executive branch who takes any administrative action.

“Official in the legislative branch” means any member, member-elect, any staff person or employee of the council.

“Person” means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

“Political contribution” means any amount of more than one hundred dollars, in the form of an advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, purchase of a ticket to a testimonial or similar fundraising event, or subscription of money or anything of value, in connection with a political campaign, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a political contribution; however, “political contribution” does not mean volunteer services or personal expenses. (Ord. 91-1484 § 2, 1991)

## **2.196.030 Administration of provisions— Powers and duties.**

A. This chapter shall be administered by the metropolitan clerk. It shall be the duty of the metropolitan clerk:

1. To prescribe forms for statements, reports and other information required to be filed by this chapter, and to furnish such forms to persons required to file such statements, reports and information;

2. To prepare and publish a manual setting forth prescribed forms and procedures to assist persons required to file statements by this chapter;

3. To preserve such statements, reports and other information required to be filed by this chapter for a period of five years from date of receipt;

4. To develop a filing, coding and cross-indexing system consonant with the purposes of this chapter;

5. To seek from the director of law, issue, and publish, upon proper request from any lobbyist or public official, advisory opinions upon the requirements of this chapter;

6. To accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

7. To make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;

8. To prepare and publish such reports as may be deemed appropriate; and

9. To promulgate any rules and regulations as may be appropriate for the administration of this chapter.

B. It shall be the duty of the director of law to render opinions and give counsel to the metropolitan clerk upon request. (Ord. 91-1484 § 3, 1991)

## **2.196.040 Registration—Required when— Term—Fee.**

A. 1. Every person qualifying as a lobbyist under this chapter shall register by filing a form prescribed by the metropolitan clerk within five days after becoming a lobbyist, as defined in Section 2.196.020.

2. Any person who registers as a lobbyist, as defined in Section 1.196.020, shall furnish written proof of his authority to lobby on behalf of each employer to the metropolitan clerk before doing any lobbying.

B. At the time of registration, each individual shall pay an annual filing fee of twenty-five dollars for each person for whom such individual registers as a lobbyist. Any lobbyist who is an official of the executive or judicial branch shall register, but shall be exempt from such fee.

All fees collected by the metropolitan clerk shall be paid into the general fund of the general services district.

C. The registration year shall run from January 1st through December 31st.

D. A person need not register with the metropolitan clerk pursuant to this section if he is:

1. A public official performing the duties of his office;

2. A person, or a duly licensed attorney-at-law acting in a representative capacity on behalf of a client, appearing before an official in the executive branch for the purpose of determining or obtaining his legal rights and obligations by presenting evidence, making oral arguments, or submitting written briefs to the official; or

3. An editor or working member of the press, radio or television who, in the ordinary course of business, disseminates news or editorial comment to the general public.

E. Registration is required if such person engages in lobbying that would directly or specifically benefit the economic, business or professional interest of such person or his employer. (Ord. 91-1484 § 4, 1991)

#### **2.196.050 Registration—Contents—New filing required when.**

A. The registration shall be written and shall contain the following information:

1. The individual's name and business address;

2. The name and address of each person for whom such individual registers for the purpose of lobbying; and

3. A listing of the general categories of subject matters on which the registrant lobbies.

B. In addition to all other requirements of the law, after the filing of any registration required by Section 2.196.040, if a lobbyist is engaged by any new employer for a fee, fixed or contingent, which is not disclosed on the lobbyist's current registration statement, the lobbyist shall file with the metropolitan clerk a report identifying any such new employer within five days of the new engagement. (Ord. 91-1484 § 5, 1991)

#### **2.196.060 Lobbying report requirements.**

A. Every person registered under this chapter shall file annually with the metropolitan clerk a sworn report concerning his lobbying activities. Such report shall be filed no later than January 30th of the following year.

B. Such report shall be written and shall contain the following:

1. A report detailing the extent of any direct business arrangement or partnership with any candidate for public office, and any official in the legislative or executive branch;

2. An itemized list, by date, beneficiary, amount and circumstance of the transaction, of each gift of fifty dollars or more and each political contribution of more than one hundred dollars made by the registrant or anyone acting at the specific direction of the registrant to benefit a candidate for public office, an official in the legislative branch, a member of his staff or immediate family, or a campaign committee or testimonial committee established for the benefit of a candidate for public office or such official. Such report shall also contain an itemized list by date, beneficiary, amount and circumstance of the transaction of each gift of twenty-five dollars or more and each political contribution of more than one hundred dollars made by the registrant or anyone acting at the specific direction of the registrant to benefit an official in the executive branch, a member of his staff or immediate family, or a campaign committee or testimonial committee established for the benefit of such official;

3. An itemized list, by dates, beneficiaries, amounts and circumstances of the transactions, of gifts or expenditures with a cumulative total of more than five hundred dollars during the reporting period made by a registrant or anyone acting at the specific direction of the registrant to benefit an official in the legislative branch; and

4. Any cumulative total of more than fifty dollars of expenditures during a single week to benefit an official in the legislative branch.

B. Events where invitations are extended to the entire membership of the council shall be exempt from the reporting requirements of this section.

C. In determining the threshold for the reporting levels required by this chapter of an event attended by more than one official of the legislative branch, a staff member, or immediate family member, a lobbyist may attribute only the actual cost for any gift or expenditure to each such official or member in attendance.

D. Any person providing funds to make a gift or expenditure other than a political contribution for the purpose of lobbying shall comply with the reporting requirements of this section whenever the purpose of such funds is to assist indirectly an official of the executive or legislative or judicial branch, or any state educational institution to lobby a specific program or programs on which legislative action is pending. Such person shall also report the source and amount of the funds which such gift or expenditure is made.

E. When the employer of a lobbyist makes a gift or an expenditure to an official in the legislative branch, and the lobbyist has no prior actual knowledge of such gift or expenditure, such lobbyist shall not be responsible for

including such gift or expenditure in the reports required by this chapter. (Ord. 91-1484 § 6, 1991)

**2.196.070 Employment agreements for lobbyists.**

Any employment agreement between a lobbyist and the employer of a lobbyist containing a provision wherein the fee to be paid the lobbyist is contingent upon success shall be in writing. (Ord. 91-1484 § 10, 1991)

**2.196.080 Unlawful activities designated.**

A. No lobbyist or anyone acting at the specific direction of a lobbyist shall offer or attempt to offer anything of value to an official in the legislative or executive branch, or to his immediate family, based on any stated or tacit understanding that the official's vote, official action or judgment would be influenced thereby.

B. No lobbyist shall knowingly or wilfully make or cause to be made any false statement or misrepresentation of the facts concerning any matter for which he is registered to lobby to any official in the legislative or executive branch.

C. No official in the legislative or executive branch or a member of his staff or immediate family shall solicit or accept anything of value in violation of subsection A of this section.

D. No lobbyist shall make a loan of money to any candidates for public office, officials in the legislative or executive branch, or to anyone on their behalf.

E. No candidate for public office, official in the legislative or executive branch, or a member of his staff or immediate family, shall solicit or accept a loan in violation of subsection D of this section.

F. No lobbyist or anyone acting at the direction of a lobbyist shall pay or agree to pay an official in the legislative or executive branch compensation for property or services substantially in excess of that charged in the ordinary course of business.

G. No lobbyist or anyone acting at the specific direction of a lobbyist shall permit an official in the legislative or executive branch, or a staff member or a member of the official's immediate family, to use the credit or credit card or that of a lobbyist's employer or any other credit or credit card over which the lobbyist has control, unless the lobbyist attends the meal or other activity in which the official, staff member or immediate family member participates. (Ord. 91-1484 § 7, 1991)

**2.196.090 False complaints.**

It is a violation of this chapter for any person to file with the metropolitan clerk a sworn complaint which is

false or for the purpose of harassment. (Ord. 91-1484 § 8, 1991)

**2.196.100 Violation—Penalty.**

Any violation of this chapter shall be punished by a fine of more than five hundred dollars, and upon conviction the metropolitan clerk shall have the authority to suspend the registration of a lobbyist and suspend any person from the privilege of lobbying for a period of suspension not to exceed two years. (Ord. 95-1329 § 3, 1995; Ord. 91-1484 § 9, 1991)

**Chapter 2.198  
ADOPT-A-STREET PROGRAM**

**Sections:**

**2.198.010 Program established.**

**2.198.020 Administration.**

**2.198.030 Memoranda of understanding with persons volunteering to clean up or maintain certain public ways.**

**2.198.040 Severability.**

**2.198.010 Program established.**

There is established an "adopt-a-street" program for the metropolitan government of Nashville and Davidson County. (Ord. 91-1499 § 1, 1991)

**2.198.020 Administration.**

The adopt-a-street program shall be administered by the board of parks and recreation. (Ord. 91-1499 § 2, 1991)

**2.198.030 Memoranda of understanding with persons volunteering to clean up or maintain certain public ways.**

In connection with the adopt-a-street program, the director of public works, with the approval of the board of parks and recreation, is authorized to enter into the memorandum of understanding attached to the ordinance codified herein with any person or group of persons who desire, on a voluntary basis, to clean up and/or maintain portions of the public streets and rights-of-way of the metropolitan government. Each such agreement must be approved by the metropolitan department of law. (Ord. 91-1499 § 3, 1991)

**2.198.040 Severability.**

Should any court of competent jurisdiction declare any section, clause or provision of the ordinance codified in this chapter to be unconstitutional, illegal or unenforceable for any other reason, such decision shall affect only such section, clause or provision so declared unconstitutional,

illegal and unenforceable, and shall not affect any other section, clause or provision of said ordinance, it being the intent of the metropolitan council that all other provisions of such ordinance remain in full force and effect. (Ord. 91-1499 § 4, 1991)

## **Chapter 2.202**

### **EQUIPMENT INSPECTION POLICY**

#### **Sections:**

##### **2.202.010 Equipment inspection policy.**

##### **2.202.010 Equipment inspection policy.**

A. All departments, boards and commissions of the metropolitan government shall make regular and routine inspections, at least annually, of all major and heavy duty equipment and vehicles. For the purposes of the ordinance codified in this chapter, “major and heavy duty equipment and vehicles” shall mean all motorized construction, fire fighting, maintenance or specialized equipment or passenger vehicles having an original cost of one hundred thousand dollars or greater.

B. Reports of all such inspections shall be filed with the metropolitan clerk. In addition, regular and routine inspection reports shall be filed with the director of finance on or before April 1st of each year. (§§ 1, 2 of Amdt. 1 to Ord. 95-1311, 3/21/95; Ord. 95-1311 §§ 1, 2, 1995)

## **Chapter 2.206**

### **COMPLIANCE WITH METROPOLITAN CODE**

#### **Sections:**

##### **2.206.010 Compliance with Metropolitan Code.**

##### **2.206.010 Compliance with Metropolitan Code.**

It should be the policy of the metropolitan government of Nashville and Davidson County that it and all of its various departments, agencies, boards and commissions comply with all provisions of the Metropolitan Code, and all ordinances, rules and regulations of the metropolitan government to the same extent that the government requires compliance by nongovernmental entities and persons. The metropolitan government nor any of its departments, agencies, boards or commissions shall have the authority to exempt itself from compliance, except by resolution requiring twenty-one votes of the metropolitan council for just cause. (§ 1 of Amdt. 1 to Ord. 95-1323, 4/4/95; Ord. 95-1323 § 1, 1995)

## **Chapter 2.210**

### **ECONOMIC AND COMMUNITY DEVELOPMENT INCENTIVE PROGRAM**

#### **Sections:**

##### **2.210.010 Definitions.**

##### **2.210.020 Economic and community development incentive grants.**

##### **2.210.030 Approval of economic and community development incentive grant agreements.**

##### **2.210.010 Definitions.**

“Corporate headquarters” means the international, national or regional headquarters of a well known and branded, large and successful company, comparable, but not limited to, companies on the Fortune 500 listing, the location thereof within the boundaries of the metropolitan government is expected to result in the creation of at least one thousand jobs within the boundaries of the metropolitan government during the first five years of operations.

“Board” means the industrial development board of the metropolitan government of Nashville and Davidson County.

“Metropolitan government” means the metropolitan government of Nashville and Davidson County.

“Qualified company” means the corporation, partnership, limited liability company or other entity that operates a corporate headquarters or a technology firm, and all successors and affiliates thereof.

“Qualified project” means a corporate headquarters or a technology firm located on property controlled by the board within the boundaries of the metropolitan government.

“Technology firm” means the manufacturing facilities, offices, distribution facilities, customer support or call center facilities of a well known and branded, large and successful company, comparable, but not limited to, companies on the Fortune 500 listing, involved in the manufacturing or assembly of computers or telecommunications equipment or component parts thereof, if the location thereof within the boundaries of the metropolitan government is expected to result in the creation of at least two thousand new jobs within the boundaries of the metropolitan government during the first five years of operations. (Ord. 99-1680 § 1 (part), 1999)

##### **2.210.020 Economic and community development incentive grants.**

The metropolitan government may make economic and community development incentive grants to the board for

qualified projects in order to encourage economic and community development within the boundaries of the metropolitan government. The amount of the economic and community development incentive grant during any year will be determined by multiplying the average number of full time equivalent employees of the qualified company within the boundaries of the metropolitan government during the preceding year by an amount up to five hundred dollars. The actual amount of the economic and community development incentive grant with respect to each qualified project and the period of such grant shall be determined taking into account, among other things, the amount of revenue from all sources that is anticipated to be received by the metropolitan government with respect to the location of the qualified company and its operations in the qualified project and other economic and community development opportunities that the qualified project is expected to create. Any grant made in accordance with the provisions of this section 2.210.020 will be memorialized by an agreement among the metropolitan government, the board and the qualified company that operates the qualified project, pursuant to which the metropolitan government will authorize the board to utilize such economic and community development incentive grants to acquire, whether by purchase, lease or otherwise, real or personal property for use for the qualified project, and to improve, maintain, extend, equip and furnish real and personal property owned by the board and used for the qualified project. (Ord. 99-1680 § 1 (part), 1999)

**2.210.030 Approval of economic and community development incentive grant agreements.**

Any community development incentive grant authorized by Section 2.210.020 and any agreement memorializing such grant as required by Section 2.210.020 must be approved by the metropolitan county mayor. The proposed economic and community development incentive grant and the related agreement shall then be submitted to the metropolitan county council for approval by resolution. Any such resolution must receive the affirmative votes of at least twenty-one members of the metropolitan county council in order for it to be approved. All proposed economic and community development incentive grant agreements that are to be funded by the metropolitan government shall provide that the metropolitan government's financial obligations thereunder are subject to the annual appropriation of funds by the metropolitan council. (Ord. 99-1680 § 1 (part), 1999)

**Chapter 2.214  
EFFECTIVE COMMUNICATION WITH  
INDIVIDUALS WITH DISABILITIES IN  
METROPOLITAN GOVERNMENT PROGRAMS  
AND SERVICES**

**Sections:**

**2.214.010 Policy.**

**2.214.020 Auxiliary aids and services.**

**2.214.030 Notification.**

**2.214.040 Response to request for auxiliary aid or service.**

**2.214.050 Grievance procedures.**

**2.214.010 Policy.**

It is the policy of metropolitan government of Nashville and Davidson County to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. The metropolitan government will furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity conducted by the metropolitan government. In determining what type of auxiliary aid or service is necessary, the metropolitan government will give primary consideration to the requests of the individual with disabilities. (Ord. BL2000-403 § 1, 2000)

**2.214.020 Auxiliary aids and services.**

"Auxiliary aids and services" includes (1) qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments. (Ord. BL2000-403 § 1, 2000)

**2.214.030 Notification.**

A list of the metropolitan government departmental ADA contact persons will be distributed to all metropolitan government employees. If an employee does not know which department is sponsoring or responsible for providing the program or service that requires the provision of auxiliary aids or services to ensure effective

communication, they will contact the metropolitan government ADA coordinator.

Requests for auxiliary aids or services should be made by the public in advance of the meeting, hearing or other program, service, or activity provided by the metropolitan government. For public meetings and hearings, the ADA contact person should be notified at least one week in advance. For on-going services and programs, the ADA contact person should be notified at least forty-eight hours in advance. For emergencies or urgent requests, the responsible ADA contact person or the metropolitan government ADA coordinator should be notified immediately. The best effort to fulfill the request will be made. (Ord. BL2000-403 § 1, 2000)

**2.214.040 Response to request for auxiliary aid or service.**

When an auxiliary aid or service is required to ensure effective communication, the metropolitan government will provide an opportunity for an individual with disabilities to request the auxiliary aid or service of their choice and will give primary consideration to the choice expressed by the individual. "Primary consideration" means that the metropolitan government will honor the choice, unless another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial burden. When the responsible ADA contact person is deciding whether an alternative means of communication will ensure effective communication, the ADA contact person will consult with the individual with a disability in order to determine the nature of the requirement for an auxiliary aid or service, that is, in what ways effective communication can be achieved with the individual with a disability in the context of the Government program, service, or activity. The ADA contact person may ask the individual with a disability for technical assistance and information on how to obtain a particular auxiliary aid or service.

Within forty-eight hours after the request, the departmental ADA contact person will notify, in writing, the requesting individual with a disability of the proposed auxiliary aid or service to be provided. A copy of the proposal will be sent to the metropolitan government ADA coordinator. (Ord. BL2000-403 § 1, 2000)

**2.214.050 Grievance procedures.**

If the requesting individual with a disability is dissatisfied with the ADA contact person's proposed auxiliary aid or service, the individual is encouraged to file a grievance with the metropolitan government ADA

coordinator. The coordinator will promptly contact the individual in person or by telephone and strive to resolve the grievance within one week. (Ord. BL2000-403 § 1, 2000)

**Chapter 2.218  
METROPOLITAN EMPLOYEE'S  
CONSOLIDATED CHARITIES PROGRAM**

**Sections:**

**2.218.010 Established.**

**2.218.020 Administration.**

**2.218.030 Director of personnel.**

**2.218.040 Eligibility.**

**2.218.050 Written request and authorization.**

**2.218.060 Purchasing agent.**

**2.218.010 Established.**

There is established the metropolitan employee's consolidated charities program (hereinafter the "program") to provide a systematic and comprehensive means of allowing employees of the metropolitan government to make voluntary donations to charitable organizations through voluntary payroll deduction. (Ord. BL2001-769 § 1 (part), 2001)

**2.218.020 Administration.**

The program shall be administered under the supervision of the director of personnel, and the payroll deductions and payment of the contributions shall be under the supervision of the director of finance. (Ord. BL2001-769 § 1 (part), 2001)

**2.218.030 Director of personnel.**

The director of personnel, with the approval of the director of finance, is authorized to adopt and promulgate written regulations regarding the operation of the program. (Ord. BL2001-769 § 1 (part), 2001)

**2.218.040 Eligibility.**

Only such organizations as satisfy the criteria adopted in Tennessee Code Annotated, Section 7-3-314, as the same may hereafter be amended, shall be eligible to receive donations through the program. (Ord. BL2001-769 § 1 (part), 2001)

**2.218.050 Written request and authorization.**

Payroll donations for the program may only be made by written request and authorization by an employee of the metropolitan government in a format approved by the director of finance. The written request and authorization must specify each charitable organization to which the

employee wishes to contribute by payroll deduction and the sums to be deducted for each charitable deduction. The number of charitable organizations to which an employee may contribute by payroll deduction may be limited by regulation. (Ord. BL2001-769 § 1 (part), 2001)

**2.218.060      Purchasing agent.**

The purchasing agent is authorized, in accordance with Title 4 of this code, to enter into one or more contracts for administration of the program. Such contracts may provide that one or more employees of the metropolitan government may assist the contractor in the administration of the program. (Ord. BL2001-769 § 1 (part), 2001)